

Syria: Role of International
Agreements in Forced Displacement

Eastern Ghouta-Afrin swap

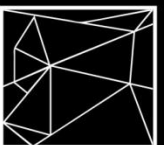
The impact agreement left in five years



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Syria: Role of International Agreements in Forced Displacement (1)

The impact Eastern Ghouta-Afrin swap agreement left in five years

The present report was conducted in partnership between Syrians for Truth and Justice (STJ) and Synergy organization, with support from Adopt a Revolution initiative. Disclaimer: The views and opinions expressed in this report do not necessarily reflect the views or positions of Adopt a Revolution or its members.

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1. Executive Summary

Five years have passed since the 2018 Russian-Turkish agreement, which led to the displacement of Eastern Ghouta and Afrin's original people. The agreement guided serious demographic changes that contributed to deepening societal divisions and ethnic differences between Syrians. The consequences of this agreement are still affecting those people who lost their property and livelihood. This estrangement was added to their suffering from bombardment, starvation, displacement, and other heavy burdens they had to bear over the last years.

Afrin received IDPs from different Syrian parts including, Eastern Ghouta, Homs, Hama, Idlib, Aleppo, al-Hasakah, and Deir ez-Zor. The newcomers are from cultural backgrounds vastly different from each other's and from that of Afrinians. These cultural differences led to a breakdown in communication and understanding among them. This resulted in deep social disagreements that seemed intractable due to the lack of information on their nature.

Despite the cultural rapprochement initiatives by individuals and local organizations, it does not seem like these differences will fade soon, especially as armed factions exacerbated violations against Afrin's original population amid a lack of effective mechanisms for redress. All this together prompted a mass exodus of Afrin's original people who, nonetheless, are dreaming of a safe, voluntary, and dignified return.

The talk about property rights violations in Afrin is sensitive; it is unfair to describe all of the newcomers as "settlers" or real estate usurpers, albeit some involved. Many of the IDPs took, resided, or leased houses with the consent of their owners. There were also IDPs who carried out some individual and civil initiatives called for restoring Afrinians' property rights.

The present report will reveal the political backgrounds of the Turkish-Russian agreement and the events leading up to the displacement of the original populations of Eastern Ghouta. The report will center on the violations met by the IDPs during the displacement journey, and the destinations they ended up. This report also tracks the continued housing, land, and property rights violations in Afrin and Eastern Ghouta by the controlling powers, makes recommendations for their resolve, and provides a related legal opinion.

2. Methodology

This joint report between [Syrians for Truth and Justice \(STJ\)](#) and [Synergy/Hevdestî](#) organizations aims to reflect on the impact of international agreements, which led to the forced displacement of hundreds of thousands of Syrians from their areas of origin in serve of foreign actors' interests and will suggest how to mitigate these agreements' repercussions on civilians.

The report's methodology is based on the outcome of interactive dialogue sessions held on 30 and 31 May 2023. The sessions brought together civilians and activists from Afrin and Eastern Ghouta to discuss the background of the Turkish-Russian agreement, its impact, and consequences; and they came up with valuable recommendations reviewed by legal researchers.

For the purpose of this report, STJ conducted online interviews with witnesses from Eastern Ghouta and Afrin residing inside and outside Syria. The interviewees touched on the swap agreement and its backgrounds, recounted their experiences in displacement, and explained how they adapted to the new reality.

3. Introduction

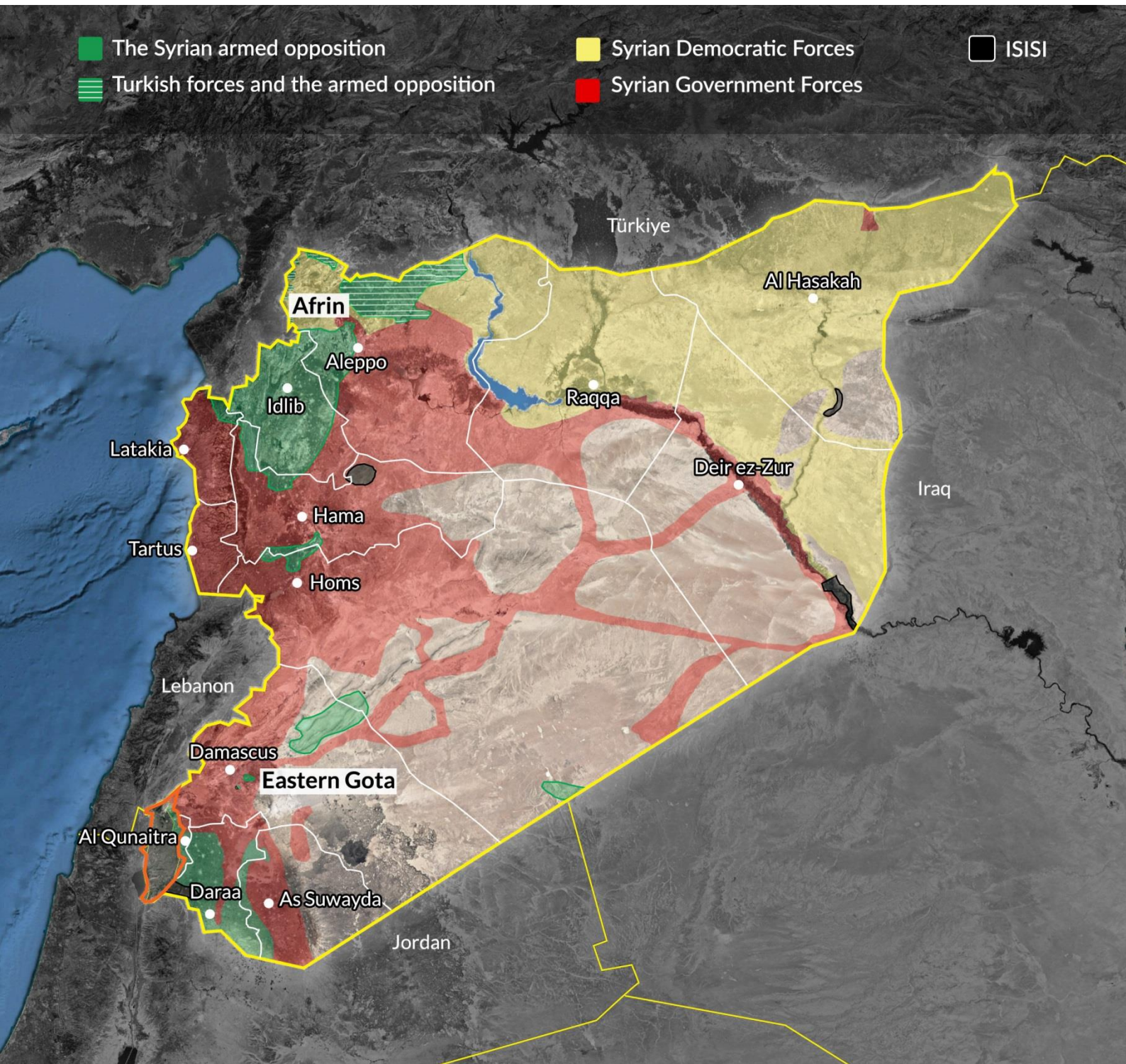
On 18 March 2018, while Syrian President Bashar al-Assad was [visiting](#) the frontlines in Eastern Ghouta – after taking it from rebels by suffocating siege and heavy shelling – surrounded with corpses and rubble, Recep Tayyip Erdoğan was raising Türkiye’s flag over Afrin [celebrating](#) his full control of it following a fierce military campaign supported by Syrian National Army (SNA).

Eastern Ghouta and Afrin were victims of international agendas whose interests intersected to empty them of their original people by forcible transfer or displacement. A tacit agreement brokered by outside parties has fundamentally changed the two areas’ profiles and given the right of control to the militarily stronger actors. Ordinary people were the eternal losers, like in any war or battle; they were powerless to object to decisions deciding their fate.

Lebanese journalist [Hazem al-Amin](#) wrote describing the scene:

“Eastern Ghouta in exchange for Afrin; another equation Syrians find themselves faced with. The regime and his Russian and Iranian allies took advantage of Türkiye’s seeking to eliminate Kurdish influence in Afrin and thus decided to pounce on Ghouta. Civilians here and civilians there. Tens of thousands of displaced people are on both sides of the two tragedies, and the world is silent accepting the blood-for-blood equation. The tragedy of Aleppo is repeated; Ankara did it again.”

The military operations against Ghouta, which were directed by several actors, mainly Türkiye and Russia, achieved its goals. Russians [secured](#) the capital Damascus surroundings and opened the highways to other parts of the country. On this, al-Assad stated that [securing](#) Eastern Ghouta had foiled plots by his foreign enemies to topple him. As for Türkiye, which has always feared Kurdish autonomy at its borders and sought to capture Afrin fueled by its expansionist dreams, fulfilled its goals of removing the Kurdish People's Protection Units (YPG) from its borders, and resettling the area with Syrian refugees. Türkiye went even further to deport thousands of refugees to the northern Syria under the pretense of [“voluntary return”](#).



A map showing areas of military control in Syria in early 2018.

4. Recommendations

STJ and Synergy/Hevdesti's joint sessions attended by IDPs from Afrin and Eastern Ghouta resulted in the recommendations below,

1. Pressure State actors implicated in the Syrian file, especially in the displacement agreements, to nullify these agreements, apologize to the Syrian people for their drastic consequences, and redress victims.
2. Pressure the Syrian government (GOS) to declare the displacement agreements invalid, since it was not a party of, as the Syrian Parliament did not ratify them, and because they contradict Article 34 of the 1969 Vienna Convention on the Law of Treaties, which states, "A treaty does not create either obligations or rights for a third State without its consent."
3. The provision in the Constitution for the primacy of international treaties and agreements that the GOS ratified and will ratify, especially those related to human rights and fundamental freedoms, including, of course, the right to property.
4. Appeal the Independent International Commission of Inquiry on the Syrian Arab Republic (CoI Syria) through Syrian civil society organizations to pay more attention to documenting property rights violations in all of Syria.
5. Tell civilians to keep ownership documents of the properties they claim to own, support documentation efforts, and promote the rule of law.
6. Pressure to stipulate in the Constitution that all property ownership transfers conducted during the conflict are illegal and thus invalid, albeit the transferee proves the contrary. Meaning that the burden of proof lies on the new owner, and not on the person who claims their property was taken illegally.
7. Send direct messages to the GOS and de facto powers in all of Syria to end property rights violations and return expropriated property.
8. Urge ending property rights violations and set that as a priority in the political solution to be forged according to the spirit of the UN Resolution 2334 of 2015.
9. Pressure the GOS to fulfill its legal duties towards the citizens, including revealing the fate of detainees and missing persons, facilitating the issuance of death notifications, birth certificates, marriage certificates, and other official documents, which are essential to prove property ownership, especially for Syrians in areas outside the control of the government.
10. Send direct messages to States seeking to normalize their relationships with the GOS that normalization must not be conducted before processing pending issues. These issues include holding accountable all those responsible for the human rights violations committed against Syrians, referring them to fair and impartial courts, revealing the fate of missing persons and detainees, and ensure the voluntary and safe return of refugees.
11. Pressure the GOS to; consider property seizures and ownership transfers conducted after March 2011 in Eastern Ghouta invalid, repeal urban planning laws and eliminate their consequences, adopt the pre-2011 real estate records related to Eastern Ghouta, and consider information in the post-2011 records as disputable proof.
12. Raise awareness to avoid generalization and thus unfair accusations of civilian victims for violations committed by armed factions or civilians linked to them.

13. Pressure the Turkish government to stop violations allegedly perpetrated by its forces. As an occupying power, Türkiye must control the armed factions in Afrin to end their violations against civilians, including those of property rights, and create conditions for the safe and voluntary return of refugees, in accordance with the applicable Geneva Conventions.
14. Pressure the Syrian Interim Government (SIG) and the Syrian National Coalition to hold accountable all those who committed violations against the civilians in the areas under their control, and lift the cover on armed factions responsible for those violations.
15. Form a follow-up committee comprising locals of Eastern Ghouta and Afrin to reconcile points of view, mitigate the impact of violations, reduce them, and consider all property seizures illegal and invalid.

5. Legal Opinion

5.1 What does national law say?

In order for any treaty to become effective and applicable in Syria, it must be approved by the Syrian Parliament on the basis of Article 75.6 of the current Syrian Constitution. The addressed agreement was not discussed nor ratified by the Syrian Parliament, thus it is considered invalid, and therefore its content and results are not bound to the Syrian state and people.

The addressed agreement gave rise to violations against locals of Afrin and Eastern Ghouta, including killing, arbitrary arrest, forced disappearance, torture, forced displacement, looting, and property seizure. Many of these violations may amount to war crimes and in some cases crimes against humanity. Parties to this agreement take the full blame for these violations, thus they are legally responsible for impact removal, restoration, and compensation. In case restitution in kind is impossible, parties are obliged to compensate eligible victims who suffered material, moral, or physical damage from their actions.

The Syrian State, based on its responsibility to protect the fundamental rights of its citizens enshrined in the Constitution, including the right to property and the right to move and reside freely within the territory of the State, must carry out its duties to protect its territory, citizens, and their rights and to demand the agreement's parties to assume liability for their acts.

5.2 What does international law say?

To begin with, we should give the events (agreements) a precise legal description to indicate the duties of involved actors and the rights of victims. Legalization of such agreements under political pretexts justifies related violations, encourages their perpetuation, and thus undermines prospects for justice. As such, evacuating people as part of 'land swap agreements' is forced displacement with legal cover.

Deportation and forcible transfer are defined as the forced displacement of one or more persons by expulsion or other forms of coercion. The term "forced" may include physical force, as well as the threat of force or coercion, such as that caused by fear of violence,

duress, detention, psychological oppression, or abuse of power, or the act of taking advantage of a coercive environment.¹

The forced character of the displacement is determined by the absence of genuine choice by the victim in his or her displacement. Even in the cases in which persons may consent to, or even request, their removal, parties to the conflict are subject to a set of legal and humanitarian duties. As such displacing people forcibly from their areas of origin or areas in which they are lawfully present is considered forced displacement unless the security of the civilians involved or imperative military reasons so demand.²

[Rule 129](#) of customary international humanitarian law (Customary IHL) states,

“A. Parties to an international armed conflict may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand.

B. Parties to a non-international armed conflict may not order the displacement of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.”

Considering the background of the ‘swap agreements’ and the displacement processes, it can be concluded that the evacuations, albeit seemed to be prompted by imperative military reasons or the security of the civilians, aimed to remove original populations and take over their area which is prohibited according to international jurisprudence.³

Moreover, the authors of these agreements left the civilians no choice but to leave involuntarily. In Eastern Ghouta, the GOS and its Russian allies used systematic destruction along with siege-and-starvation tactics – in a form of collective punishment – against civilians to push them towards accepting a reconciliation agreement forcing them out. As for Afrin, the Turkish forces took no measures to evacuate civilians temporarily to safe areas or to protect them in any way, which contributed to their forced displacement. Furthermore, Türkiye followed a systematic policy of seizing property that made the return of those forcibly displaced almost impossible. The seizure acts were accompanied by widespread violations, including arbitrary arrests, torture, extrajudicial killings, and inhumane treatment, which were reasons for IDPs to refrain from returning for fear of possible violence, duress, detention, psychological oppression, and abuse of power.⁴

[The Guiding Principles on Internal Displacement](#) reaffirm the provisions of the international humanitarian law (IHL) and international human rights law (IHRL) that parties to a conflict must adhere to protect civilian populations from forced displacement and ensure their protection and their rights during and after displacements; Principle 21 states,

¹ ICTY, *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016 – Volume I of IV (TC), 24 March 2016, § 489.

² The United Nations Economic and Social Council, guiding principles on internal displacement, report by SG Mr. Francis Mading Deng submitted pursuant to Commission resolution 1997/39, E/CN.4/1998/53/Add.2, 27 September 2002, Principle 6.2.b.

³ See, for example: ICTY, *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016 – Volume I of IV (TC), 24 March 2016, § 492.

⁴ ICTY, *Prosecutor v. Furundžija*, Judgement, IT—95-17/1-T, 10 December 1998, § 174.

- “1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.”

However, the parties involved in the agreements deliberately violated the property rights of the displaced with the aim of changing the areas’ demographics, which may amount to demographic change or ethnic cleansing, according to Rule 129 of the International Committee of the Red Cross study on Customary IHL.

To sum up, displacement situation must be always considered temporary, so competent authorities have the primary duty and responsibility to establish conditions and provide means that ensure a voluntary, safe, and dignified return of IDPs to their homes or places of habitual residence, and help those who choose voluntarily to resettle in another part of the country.⁵ Furthermore, IDPs shall not be discriminated against in the enjoyment of any rights and freedoms.⁶ Seizing IDPs’ property in Eastern Ghouta and Afrin violates the principle of non-discrimination in addition to being a violation in itself.

6. Adapting to the New Reality

Five years passed since the Turkish-Russian agreement on Eastern Ghouta and Afrin and the scene is still grim for huge numbers of affected IDPs who bear the consequences without guilt. They suffered, lost everything, and were forced to start from scratch in places and environments they were unfamiliar with.

Safa’ Kamel, a humanitarian activist from Eastern Ghouta, currently residing in Afrin, shared the feelings she experienced during the first years of displacement saying,

“Displacement is a shock, an estrangement, a tough feeling. It uproots you to somewhere entirely new in customs, culture, neighborhoods, homes, and lifestyle. I remember that in the first days of displacement, I always felt headaches and dizziness walking between buildings that were alien to me, feeling unwelcomed and powerless to choose where I would live, and pondering the unknown fate that

⁵ Guiding principles on internal displacement, Principle 28.1.

⁶ Guiding principles on internal displacement, Principle 1.1.

awaited my children and me. I attempted to access Türkiye illegally; I suffered at the borders and faced serious dangers. All that because I refused to live in a place I was forced into under agreements that do not represent the Syrian people's revolution nor align with their aspirations for freedom. I wanted a safe life for my children, away from the bombing and destruction that we were subjected to in all its forms in Eastern Ghouta before displacement. The first months were the most difficult and harsh. However, after attending psychological aid and dialogue sessions with local activists inside Syria and abroad, I became aware of the situation and started thinking about how to improve it and come up with an approach that would make it a catalyst for positive change.

Amer – he asked to keep his second name anonymous – a civil activist from Eastern Ghouta, currently residing in Afrin, said that the situation of Eastern Ghouta IDPs is similar to that of other IDPs but with some differences. He explained,

“The people of Eastern Ghouta survived the fiercest military campaign in the Syrian conflict. The agreement forced them to flee with only their clothes. The areas to which they were displaced, especially Saraqib, Ma`arat al-Nu`man, and Arihah were suffering persistent instabilities which forced large numbers of Ghouta IDPs to be displaced again. This is added to life difficulties and the struggle to make ends meet with sharp increases in prices. We also faced harsh and baseless allegations that we were given Afrin in exchange for Ghouta, which is not true. Moreover, Eastern Ghouta people are accused of being behind the violations in Afrin, which are actually committed by armed factions that have never been in Ghouta.”

Walid Bakr, a field researcher from Afrin working on the documentation of violations, believes that the Turkish-Russian agreement was harsher on the people of Afrin than on those of Eastern Ghouta. He explained,

“The Turkish-Russian agreement to exchange Afrin for Eastern Ghouta resulted in the forced displacement of more than half of the population of Afrin and the settlement of Eastern Ghouta IDPs in it. With this, the latter were somehow compensated while those displaced from Afrin were forced to live in poorly serviced camps or to rent in other areas. Afrin people lost their livelihoods, including lands, agricultural machinery, factories, shops, cars, and warehouses filled with goods. Reports confirm that Afrin IDPs are living in very dire conditions with no work available. Furthermore, many families lost their sole breadwinner to the heavy bombardment during a two-month offensive launched into the area by Türkiye.”

Walid confirmed that Afrin IDPs' suffering multiplies with the dwindling opportunities for safe return, and the exacerbation of social problems. Losing the hope of return and failure to endure harsh conditions of displacement, among other reasons, prompted many Afrin IDPs to migrate. Nonetheless, those who attempted to return to Afrin were met with arrest, torture, or at best allowed to stay in exchange for ransom. Moreover, there were reported cases of IDPs from Afrin dying of disappointment, mostly elderly.

Before 2011, there were 200,000 Kurds in Afrin accounting for 92% of the population. Today; however, the Kurds make up only 20% of the population, according to local Kurdish websites.

In late March 2018, the Autonomous Administration of North and East Syria (AANES) set up several camps in northern rural Aleppo to house IDPs fleeing Afrin. The AANES gave these camps the names, Sardam/al-Asr, al-Awda, Barkhadan/al-Muqawama, al-Shahba, and Afrin.

Regarding the difficulties of living in these camps, researcher Walid Bakr said,

“The United Nations (UN) does not recognize these camps and thus provides them only little aid. Moreover, pro-government forces blocked access to humanitarian aid, fuel, and other necessities to the camps. We learned from acquaintances and relatives who live there that being denied access to fuel, residents of the camps suffer from the extreme cold, which causes illness among them amid weakness in the medical possibilities; there is only one hospital that lacks specialized medical staff and equipment. What is more, camp residents are banned from going to Aleppo. Due to being close to the line of contact with the Turkish forces and allied armed factions in control of A’zaz, Afrin, and suburbs, the camps are subjected to occasional bombardments by the latter, which cause casualties and damage to buildings and property.”

For her part, the Syrian Kurdish journalist, Newroz Rasho, confirms that more than 100,000 IDPs, including children and elderly, live in five camps and 40 villages in the Shahba district, which is destroyed and uninhabitable.

“The Turkish army and allied armed factions bombard this area occasionally and pro-government forces impose a suffocating siege on it preventing humanitarian assistance provided by the AANES from reaching people in need. This created stifling living conditions amid the lack of work in this devastated area and the rampant inflation Syria is suffering in all its parts.”, Newroz confirmed.

Regarding the role of organizations Newroz said, **“Two years ago, the siege on the area intensified more. This, among other reasons, led to the suspension of humanitarian and relief organizations except for some local ones, which occasionally provide clothes, blankets, and other simple stuff. As for international organizations, they provide aid through the Syrian Red Crescent, which distributes aid in a discriminatory way.”**

Due to the destroyed infrastructure, many diseases and epidemics are spreading, especially leishmaniasis and tuberculosis amid the scarcity of medicine. Moreover, the [Syria/Türkiye earthquake of 6 February](#) has worsened the already dire humanitarian conditions of IDPs. After the quake, the latter feared to stay in houses and buildings, which were in imminent danger of collapsing and preferred to move to makeshift tents.

According to the World Bank [report](#) of 15 March 2023, 6.6 million Syrians, approximately 31 percent of the country’s population, live in locations where the earthquake intensity reached level six (strong shaking) or higher. The provinces most affected, in terms of both population and intensity, are Idlib and Aleppo. The report documented the house damages and losses in affected areas recording the

number of housing units that were partially damaged and destroyed as; 49,778 units in government-controlled areas, 23,579 units in opposition-controlled areas, 17,302 in Idlib, and 64,724 in Aleppo. The report noted that the most impacted cities are Jandairis, A'zaz, and Harem.

The human rights activist Sawsan Rasheed confirmed that since March 2018, Afrin locals have faced restrictions on their movements. She explained,

“Fleeing the Turkish offensive of 2018, many Afrin locals headed to the neighboring Nubl and al-Zahraa towns, where their ID cards were confiscated and broken. Afrin locals were denied access to Aleppo roads unless they paid local defense members in Nubl and al-Zahraa. To date, the Syrian regime still blocks Aleppo roads in the face of Afrin IDPs residing in areas of Shahba and Jazira except for an apparent reason.”

7. Property Rights Violations in Afrin

Violating property rights of the Afrin population is not a new phenomenon. When Afrin was under the influence of the GOS, the latter had full control over real estate sales transactions and requested security clearance to initiate any. It got worse during the AANES rule, as Afrin locals were denied access to their Cadaster based in Aleppo and thus could not obtain official property documents. However, the worst ever documented following the control of the armed factions who wantonly seized the property of Afrin's original people after their displacement due to hostilities and oppression.

The Kurdish journalist Fadel Mohammad affirmed that the main reason for the property rights problems in Afrin is the GOS's refrain from ratifying contracts of sales conducted under the AANES. Notably, since Afrin is a border area, its real estate does not have certificates in the Cadastral (Green Tapo).⁷ Fadel explained,

“Illegal real estate sales conducted after 2018 in Afrin by the newcomers led to the outbreak of disputes between the latter and the real owners, who, in most cases, paid large sums to reclaim their own property. In other cases, settlers requested armed factions' intervention to intimidate legal owners and thus keep the seized property. Seizing the property of Afrin's original people and turning them into settlements threatens a lasting demographic change.”

STJ monitored SNA's building of one of the largest human settlements on a strategic large area in the region locally known as [Jabal al-Ahlam](#) (Mountain of Dreams) in Afrin. This mountainous area is part of the Jabal al-Akrad/Çiyayê Kurmênc (Mountain of the Kurds). The settlement, which was warranted by Türkiye, was designated for housing SNA fighters and their families.

⁷ Cadastral Certificate is ownership title (Green Tapo), which is considered the most powerful ownership document. It includes the property's number, the name of the area where the property lies, the property's space and size, the property's description, the property's legal characterization, the name of the property owner, the property's ownership shares, and all other relevant rights and obligations.

The field researcher Walid Bakr confirmed that the sudden exodus of Afrin's original people following the Turkish offensive contributed significantly to the property rights crisis; most of those displaced did not take their ownership documents, as they believed they would return soon and never expected that their property would be confiscated and looted.

Furthermore, most of the buildings constructed after 2012 are not authorized nor officially registered, meaning that they do not have Cadastral Certificates.

What complicates property rights problems even more is that during the past five years, changes affected many properties, some were sold without the knowledge of their owners and others were repaired or their features altered. Some agricultural lands had their trees cut or burnt and others were turned into military headquarters or settlements for IDPs.

A [report](#) published by the Syria Direct website under the title "Seized properties sold 'dirt cheap' in Afrin", indicated the phenomenon of selling the original residents' homes for cheap prices ranging between \$400 and \$3,000, well below their actual value. They are sold as "vacant" or "party houses," the latter insinuating the properties belong to displaced members of the Democratic Union Party (PYD) or the Turkish Kurdistan Workers' Party (PKK).

8. Initiatives by Eastern Ghouta IDPs to Return Afrinians' Rights

The talk about property rights violations in Afrin is sensitive; it is unfair to describe all of the newcomers as settlers or real estate usurpers, albeit some involved. Many of the IDPs took, resided, or leased houses with the consent of their owners. There were also IDPs who carried out some individual and civil initiatives called for restoring Afrinians' property rights.

Dr. Diaa (a pseudonym), who hails from Eastern Ghouta and was residing Jindires district in rural Afrin recounted,

"A year before the quake of 6 February, I rented the house of a Kurdish man called Abu Ammar, we had a very good relationship. Abu Ammar has another house, which was seized; I helped him restore it through the Grievance Redress Committee."

Dr. Diaa emphasized the importance of persistent communication between Eastern Ghouta IDPs and Afrin locals to find solutions for the existing problems. To this end, he suggested the formation of groups through advocacy and mobilization to raise these problems in rights, social, and media areas. Dr. Diaa said,

"We can break the ice with Afrin locals by communicating more and prompting joint social events. Just like them, we have memories, homes, and rights that we will never abandon. We both reject all forms of occupation and seizure and together we can effect real change at the social level. People of Eastern Ghouta must refuse to occupy the homes of displaced Afrinians or to rent them from the armed factions. In the end, we are both victims of the same international file that has been being woven for years to change demographics, and we certainly reject it."

Safaa Kamel, a humanitarian activist, spoke about a mechanism through which IDPs in Afrin contributed to restoring rights to their original owners. She explained,

“Realizing the violations against Afrinians, Ghouta IDPs began a civil move through groups formed on the basis of the members’ areas of origin; the Jobar group, for example. Each group works toward preventing violations by individuals from its area and restoring victims’ rights. This civil action managed to form a commission for the restitution of rights. I initially participated in reporting violations secretly to the groups to resolve them in peaceful ways like pressuring the offending faction or talking to its leader.”

Amer, a civil activist, praised IDPs of Eastern Ghouta for their help in redressing some Afrin locals who were victims of violations through individual and community initiatives, which contributed to reducing the gap between Afrinians and Ghouta IDPs. Amer said,

“We, the people of Ghouta, want Afrinians to feel us light guests. We lease their houses, share their work, and give them visits. This helped us understand each other and let Afrinians know the truth of what actually took place and led us here. Furthermore, sharing joys and sorrows greatly helped in bringing us together.”

Amer cited Eastern Ghouta IDPs' solidarity with Afrin locals in the case of the "[Martyrs of Nowruz](#)", as they participated in the funeral and expressed their condemnation of the crime by going live on social media and giving statements to media outlets.

9. Property Rights Violations in Eastern Ghouta

Regaining control over Eastern Ghouta, the GOS transferred the real estate and civil records from the Cadaster of the city of Douma, established by the opposition, to al-Mazzeah Cadaster in Damascus, and it considered all the contracts concluded during the opposition’s rule [invalid](#).

Since its establishment in 2013 and until 2018, the Cadaster of Douma [registered](#) about 9,200 sale contracts, in hard and electronic copies, concluded according to the GOS’s due process with the presence of property owners/their legal representatives and two witnesses. The GOS hindered IDPs' disposal of their property by requiring prior security clearance to conduct sales and purchase transactions.

Since the beginning of 2011, the GOS has issued a series of [laws and legislative decrees](#) related to property rights, which have had a great impact on Syrians inside and outside the country. These legislations included the seizure of movable and immovable assets of [political opponents](#), who were charged with supporting so-called terrorism.

In the past few years, the GOS [issued](#) several decisions imposing precautionary seizures on property of locals in rebel areas, including [Eastern and Western Ghoutas](#), [Daraa](#), [Hama](#), [Quneitra](#), [As Suwayda](#), [Idlib](#), and others. These decisions amounted to collective punishment

against locals of these areas, and a prelude to changing their [demographics](#) through “legal” means.

Dr. Diaa (a pseudonym) said in this regard,

“Proving ownership of real property in Eastern Ghouta is very difficult for several reasons including the displacement of the original owners, the regime’s settling its militias in the area, and massive land and property expropriation by Shiites in rural Damascus and on the airport road. We are trying to hold onto our land but this is very difficult, especially amid the absence of a solution in the short run in Syria, which gives the regime the time to come up with different kinds of laws to take over our property.”

Mona Khiti, a researcher from Eastern Ghouta, confirmed that proving property rights is very complicated in Eastern Ghouta, especially for the families that left entirely and no one remained to look after their property, and for the women whose husbands forcibly disappeared. Mona explained,

“My brother got married, had two children, and was martyred during the siege on Eastern Ghouta. He registered his children with rebel authorities, who were then in control, thus the children have no presence in the GOS’ records. Thereby, in order for the children to access their property rights, my brother’s marriage, his children’s born, and his death must be proven through a very complicated process.”

The civil activist Amer outlined the ways in which the GOS seizes the property of Eastern Ghouta’s original people,

“The GOS seizes property over ready charges of being wanted for the regime, arrested by it, and living abroad or in rebel-held areas. The GOS carries out the seizures through its proxies including officers in the Republican Guard and the Fourth Division. Moreover, Iraqi and Iranian Shiites are trying to control as much of Eastern Ghouta’s real estate as possible.”

Amer’s family faces many difficulties in trying to establish real estate ownership and dispose of their properties in Eastern Ghouta. In this regard, Amer said,

“My father has been detained for ten years, and therefore we cannot dispose of any of his property, especially since I am wanted by the regime. Additionally, some of our properties have a distinctive strategic location and are thus coveted by many regime officers.”

10. Violations Accompanied Afrinians in their Displacement

Heavy aerial and artillery Turkish bombardment on Afrin and its suburbs caused large-scale arbitrary displacement – initially toward Afrin city center – and led to mass civilian casualties, including those burned in their car on Bulbul road and those who fell in the Bar Bennah massacre on Rajo road.

The Kurdish journalist Newroz Rasho witnessed the difficulties experienced with the forced displacement of Afrin people and described their suffering as “full-blown”.

About fifty days after the launch of the offensive, the Turkish Army and allied Syrian rebels concentrated fire on the center of Afrin upon masses of people. This led to several massacres, which were horrible to the extent that families could not aid or bury their wounded and dead loved ones. As such, people headed toward Tirinde village, which was relatively the safest way to reach Jabal al-Ahlam (Mountain of Dreams) and Shahba areas. Due to intensive bombardment, it took the people two days to pass Tirinde village, which only took half an hour in the normal situation. Families, including children, elderly, wounded, and sick spent days in the open without food or shelter.

Newroz confirmed that no local nor international organization sent [assistance](#) despite the dire humanitarian situation. She said,

“I did not see any team providing any kind of assistance; there were only individual initiatives by the medical staff of Afrin Hospital and members of the Kurdish Red Crescent. Since the displacement was rapid, massive, and not organized or through a humanitarian corridor, there were no journalists covering it, except for those who were among the displaced. The latter’s suffering did not end with their arrival to Shahba, which was devastated during the battles against the Islamic State (IS); they slept in the open without food.”

Newroz recounted unforgettable stories she documented on the displacement road,

“I saw mothers searching for their sons who were lost during the night walk, a family losing their lives as they stepped on a mined land after they strayed, a father carrying his son’s bloody corpse all the way from Afrin, women giving births without doctors, nurses, nor midwives. I also saw displaced people trying to go to Aleppo but were thus taken advantage of by smugglers or arrested at the GOS checkpoints and subjected to torture and forced disappearance and they are still unaccounted for.”

11. Violations Accompanied Eastern Ghouta People in their Displacement

The displacement road Eastern Ghouta people took toward northern Syria was long and exhausting. On this, the human rights activist Thaer Hijazi explained,

“The convoys evacuated civilians and rebel fighters waited very long hours before departure. This waiting was catastrophic, especially for women and children; there were no food or restrooms. However, the Red Crescent intervened in the last few hours and distributed some water and biscuits. The regime forces deliberately lengthened the convoys’ route to pass through loyal coastal villages, where they were stoned and fired upon, which resulted in the death of the child Yaser Maher Samoud and several injuries. In addition, pro-regime fighters there raised pictures of Bashar al-Assad, shouted sectarian slogans, and made obscene gestures with their hands.”

Thaer quoted witnesses saying that when they would stop at the rests on the route, regime forces tried to convince them to return home and reconcile with the government, claiming that Syria was facing a foreign conspiracy to destroy it and its people.

Pro-regime forces managed to retake the entire Eastern Ghouta through a violent military offensive launched on 18 February 2018 and ended on 8 April 2018 by a deal signed with the Army of Islam/Jaysh al-Islam. This deal provided for the release of all the abductees held by the latter, in exchange for allowing its fighters along with their families and civilians unwilling to settle with the Regime to get out of Eastern Ghouta towards northern Syria. This deal was preceded by several agreements signed with the armed opposition factions there. The first of which was with Tajammu Ahrar al-Sharqiya/Gathering of Free Men of the East in Harasta city, on 21 March 2018, which provided for the evacuation of the latter's fighters along with their families, as well as all civilians who didn't want to get back under al-Assad rule, towards northern Syria. The second agreement was with the al-Rahman Legion on 23 March 2018, which also provided for the evacuation of the Legion and Hay'at Tahrir al-Sham (HTS) militants with their families, and other civilians to northern Syria; this agreement covered the towns of Irbin, Zamalka, Ein Tarma, and Jobar.

In the same vein, the researcher Mona Khiti said,

“Our trip in the buses was not a luxury; we were treated inhumanely, and my father continued to bleed for 24 hours.”

Mona noted that the situation of those who chose to get out through the humanitarian crossings opened by Russia was not much better; they underwent severe human rights violations, including the detention of girls, and the forced disappearance of many. However, these violations were not investigated much because those who got out were returned later to regime-held areas. The number of those who exit Eastern Ghouta through humanitarian crossings is greater than that of those who were displaced towards the north.

Mona added,

“We received horrifying images of violations being practiced in collective shelters. Civilians there had no real choice but to leave given the amount of abuses practiced and activists' fear of reprisals.”

Dr. Mohammad Kattoub wrote on [Al-Jumhuriya](#) website, “The regime opened channels for the exit of civilians from Eastern Ghouta through three crossings. The Mukhayim Wafideen – from Douma – was the only crossing that was monitored and controlled by the Red Crescent before and after the evacuation. The rest were ‘death crossings’, where the regime forces received civilians before they reached the Red Crescent; many violations, arrests, and payoffs were documented on these crossings. Those civilians were taken to makeshift shelters lacking the most basic services including toilets. Some talked of only four toilets for 10,000 people in one of the shelters. Moreover, there was full segregation of men and women in the shelters and no one was allowed to leave except with a guarantor who has an address in regime-held areas. Despite all these poor conditions tens of thousands left Eastern Ghouta, mostly from Douma.”

12. IDPs' Distribution in the North, Choosing Afrin

As the IDP convoys reached Northern Syria from Eastern Ghouta, some IDPs headed to Idlib and others to rural Aleppo and Hama to [stay](#) in camps, collective centers, rented or borrowed houses, empty or unfinished buildings, with local families, or in the open.

The human rights activist Thaer Hijazi confirmed that no civil committee interfered in the negotiations that took place between the Eastern Ghouta factions, the GOS, and Russia to choose the area to which the people would be displaced. Thaer explained,

“All the convoys that arrived to the north before the displacement of the people of Douma were directed to Idlib and its countryside. Idlib’s locals helped the Eastern Ghouta IDPs; they hosted some families in their homes and guided others to Zawiya Mountain and Idlib city. The convoys of April that carried Douma people headed to al-Bab city, east of Aleppo, at the request of the Army of Islam/Jaysh al-Islam. Today, there is an area in Idlib dedicated entirely to Douma IDPs.”

On choosing Afrin, Thaer said,

“I think that the IDPs headed to Afrin on the basis of an agreement concluded between leaders of the armed factions in direct coordination with the Turks. There were instructions by the SIG and military leaders in the area telling IDPs to go to Afrin since it was almost empty due to the Turkish offensive that forcibly displaced its original people, mainly the Kurds. Furthermore, Afrin has a hospital, doctors, and other services the fact that drew IDPs towards it.”

An unnamed activist from Eastern Ghouta who is familiar with the negotiations confirmed that Türkiye played a role in directing part of Eastern Ghouta IDPs towards Afrin. The activist explained,

“In the last days of the siege, the Army of Islam/Jaysh al-Islam was negotiating its fate, including the destination in which it would settle. The Army linked its fate to that of civilians who were under bombardment and siege and desperately needed any solution to save them. Since the Army was at odds with the HTS, it pressured to not going to Idlib, but to areas under Turkish control. Thus, the final say became in the hands of the Turkish government, which took advantage of the differences between the factions to settle the IDPs in areas of its choice and pretend to be a lifesaver.”

According to Thaer, some IDP activists refused to go to Afrin,

“Personally, I do not prefer to live in Afrin because I consider it occupied by armed factions who forced its original people out and forcibly appropriated their property. Some activists spoke of the sensitivity of Afrin’s situation; however, on the other hand, it was promoted as a safe area, which made IDPs think that they would feel settled and secure in Afrin away from hostilities. Nonetheless, they found the

contrary with the spread of weapons, security chaos, thuggery (tashbeeh), and mercenarism.”

Researcher and civil activist Abdullah al-Hafi agrees with Thaeer's point of view. After his displacement from Eastern Ghouta Abdullah preferred to settle in A'zaz in the northwest of Aleppo and not in Afrin. Abdullah explained,

“I consider Afrin an occupied area whose original people were forcibly displaced for political reasons similar to those that prompted my displacement from my hometown. The area whose people were arbitrarily deported and denied return is an occupied area in which I cannot live.

Abdullah added that some Eastern Ghouta IDPs refrain from living in Afrin due to insecurity, armed factions' violations, and armed chaos.”

13. Violating Religious Freedoms, Changing the Cultural Identity

Afrinians who remained in Afrin and those who returned to it after the Turkish offensive complained about violations of their freedoms, especially the religious, and attempts to change the region's cultural identity.

Mustafa Nabo, a member of the administrative body of the Yazidi Union in Syria confirmed that the violations against the original Afrinians aim at generating fear among them and thus forcing them out of the region.

Mustafa talked about cases in which SNA factions forced Yazidis to convert to Islam saying,

“In Qibar village of Sherawa district in Afrin, an armed faction called Ahabab Allah stormed Yazidi homes and forced them to convert to Islam. On 10 May 2018, Omar Shamo Mamo, 66, from Qibar was killed in cold blood in his home with a bullet in the forehead over his refusal to pronounce the two testimonies of faith.”

Furthermore, a [footage](#) circulated recently of a sheik named Ahmed Abd al-Karim Thayoub announcing the conversion of two Yazidi Kurds to Islam; however, it was verified that they were forced into it under threats of seizing their property.

In the same vein, the armed factions deliberately destroyed the Yazidi's sacred places, shrines, including [Jalkhaneh](#) in Qibar village, and even tombstones. According to Mustafa, these acts aim to change Afrin's religious and cultural identity.

Afrin had 18 Yazidi shrines, most of which were deliberately destroyed, vandalized, or looted. Yazidis' cemeteries were also destroyed and their holy trees were cut.

In May 2018, the Ezdina organization documented the loot, vandalism, and destruction of the [Sheikh Junaid](#) shrine in the village of Faqira, rural Afrin, which is of great importance to the Yazidis.

In a similar incident documented in 2018, the [Sheikh Ali](#) shrine in Basofan, rural Afrin, was

looted and filled with garbage and in April 2020, parts of its building and dome were bulldozed.

[Local](#) and [international](#) organizations as well as [eyewitnesses](#) confirmed the deliberate destruction of Yazidi shrines and cemeteries in all parts of Afrin including, Qestel Jindo, Qibar, Sharran, and Jindires districts. These acts seemed to be reprisals or motivated by religious and/or ideological reasons. In this regard, [Col Syria](#) stated that these acts compounded the difficulties faced by the Yazidis as a religious minority in areas controlled by the SNA, and affected tangible and intangible aspects of their cultural heritage, including the practice of their religious rites.

Fadel Mohammad a journalist and director of Bader for Development Organization explained the change affected the cultural identity of Afrin after 2018 saying,

“The educational curricula that were adopted in the era of the AANES, which adopted Kurdish, the mother tongue of 97% of the population of Afrin, have been changed. The architectural style of the monuments was changed to Ottoman and Turkish, as in the case of the shrine of the [Prophet Hori/al-Nabi Hori](#) and others. Shops and businesses were given new names unfamiliar in the region. There was a focus on teaching Islamic subjects and several Koranic schools were opened. As such, Kurdish women were often forced to wear hijab.”

14. The Dream of Return

The refugees’ and IDPs’ dream of return has never faded but it hinges on conditions protecting their rights and dignity. On this, researcher and civil activist Abdullah al-Hafi said,

“We will return; when all kinds of military, political, cultural, and social occupations end, when we are able to recover our property and manage it independently, when our safety is guaranteed currently and in the future, and when the return is safe, voluntary, and dignified.”

An unnamed activist from Eastern Ghouta believes that the return of those displaced needs a comprehensive political solution that ensures the accountability of conflict parties in Eastern Ghouta and Afrin. The displaced will never return if those who displaced them are still in control.

For his part, researcher Walid Bakr stressed the need to prepare the ground for the return of Eastern Ghouta and Afrin IDPs. This can be by returning their property, compensating those affected through specialized commissions, holding those involved in human rights violations accountable before local or international courts, and stopping demographic change.

Walid confirmed that continuing the status quo without finding proper immediate solutions would complicate things more and make the IDPs' return extremely difficult. Notably, the return issue is directly affected by the roles and positions of political powers intervening in the Syrian file, especially Russia and Türkiye. Walid explained,

“First, as an occupying power, Türkiye must assume its responsibilities in the Syrian areas under its influence, especially in Afrin, including the protection of civilians’ lives and property. Afterwards, we can lay appropriate political solutions in accordance with Security Council Resolution (2254), and establish an inclusive transitional governing body that considers and resolves issues of all Syrians, including the return of refugees and IDPs to their original areas.”

15. Background of the Agreement

Harbingers of the Russian-Turkish agreement followed the announcement of the [de-escalation agreement](#) between sponsors of Syria talks in Astana (Russia, Türkiye, and Iran) in May 2017, which provided for the establishment of four de-escalation zones in Syria for an extendable period of six months;

Zone 1: Idlib province, as well as parts of Latakia, Aleppo, and Hama provinces. Zone 2: Northern rural Homs province. Zone 3: Eastern Ghouta. Zone 4: Parts of Daraa and Quneitra provinces.

The agreement called for the cessation of hostilities between the conflicting parties, the improvement of humanitarian conditions, the creation of favorable conditions for a political solution, and the ensuring of safe and voluntary return of refugees and IDPs.

Secretary-General of the Syrian National Alliance, Aram al-Domani recounted the subsequent events saying,

“Since the sponsoring states of the Astana talks agreed on the establishment of de-escalation zones for an extendable period of six months, we realized the implied intention to swap the addressed areas and the conspiracy that will lead to a demographic change in several parts of Syria.”

Russia played the role of mediator in the negotiations between the armed factions of Eastern Ghouta and the Syrian regime regarding the exit of civilians from Eastern Ghouta and their safe access to northern Syria. That was in coordination with Türkiye as conditioned in Astana decisions and de-escalation agreements.

Sponsoring the reconciliations in Eastern Ghouta, Russia became the safe haven for its people, despite the crimes and bombardment it carried out against them since October 2015.

Meanwhile, Türkiye took no action but demonstrated empathy for what happening in Eastern Ghouta as it was busy with its offensive to control Afrin and expel its original people. Türkiye waited for Eastern Ghouta IDPs to replace Afrinians as part of its plan for demographic change.

It is worth noting that there was an effective blackout of the crucial negotiations in Eastern Ghouta; civilians did not know their fate until the last minute. Even activists and journalists got very little information on the negotiating process. Armed factions in Eastern Ghouta used civilians as human shields and insisted on linking the negotiation file of the latter to theirs' to ensure exit with them.

16. Conclusion

The authors of these agreements left the civilians no choice but to leave involuntarily. In Eastern Ghouta, the GOS and its Russian allies used systematic destruction along with siege-and-starvation tactics against civilians to push them towards accepting a reconciliation agreement forcing them out; and in Afrin, the Turkish forces and allied armed groups took no measures to evacuate civilians temporarily to safe areas or to protect them in any way, which contributed to their forced displacement. This was followed by systematic acts of seizing property that made the return of those forcibly displaced almost impossible. As such, State actors implicated in the Syrian file, especially Russia and Türkiye, must nullify these agreements, apologize to the Syrian people for their drastic consequences, redress their victims, and ensure a safe, voluntary, and dignified return for those forcibly displaced by them.

About STJ:

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization. STJ believes that systematic documentation and gathering credible evidence allow us to reach new horizons in justice and accountability spaces. By this, we can contribute to strategic litigation and fighting against impunity autonomously or in cooperation with appropriate bodies and organizations.

About Synergy :

Synergy Associations for Victims is a non-governmental, non-profit association which aims to provide a platform and a space for the 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 Northeastern Syria and participate in the process of accountability and justice.

The Association is a part of the "Truth and Justice Charter", which works to uncover the truth, ensure justice for the detainees, the forcibly disappeared and their families, and hold those who commit violations accountable as a cornerstone for achieving a lasting peace in Syria.