

Introduction:

In August 2024, a tragic incident occurred in a village in the countryside of Ras al-Ayn/Serê Kaniyê, where a child was shot and killed by an armed faction as a resident attempted to reclaim a house that had been seized by the same faction. Following the incident, four members of the man's family were arrested and tortured before some were later released without any clear legal procedures. Meanwhile, violations in the region persist, with no accountability for the perpetrators.

It all began when a local resident attempted to reclaim a house belonging to one of his relatives and had been seized by Tajammu Ahrar al-Sharqiya/Gathering of Free Men of the East, a faction of the Syrian National Army (SNA) controlling the region. However, this demand was met by excessive violence, as an armed patrol from the faction, consisting of several four-wheel-drive vehicles, raided the family's grocery store.

During a verbal altercation, armed men from the faction fired bullets near the store's owner to intimidate him. However, one of the shots hit a 12-year-old boy who was working in the store, killing him instantly. Following the incident, the gunmen fired heavily into the air to spread panic among the villagers, before raiding the family's home and arresting four of its members.

The detainees were severely beaten during their arrest, and their cell phones were destroyed to prevent any communication with the outside world. They were then transferred to one of the faction's headquarters in Ras al-Ayn/Serê Kaniyê, where they remained in custody without any clear charges against them. Two days later, they were handed over to the Civil Police in the city and continued to be detained without any transparent legal proceedings.

Three of them were released a few days later, while one remained imprisoned without any legal justification for either his continued detention or the release of the others. As for the boy who was killed, his case was resolved according to tribal customs, with the incident deemed "an act of God" in exchange for the payment of blood money (*diyah*). Fearing arrest or retaliation, the boy's family was unable to file a complaint.

These practices against the civilians—including murder, arbitrary detention, torture, and enforced disappearance— in the SNA-controlled areas reflect a complete absence of justice and accountability, as no investigations were conducted into these violations, nor were any measures taken to hold accountable those responsible. Furthermore, they highlight the ongoing insecurity in these areas, contradicting Turkey's claims. On July 4, 2024, [Human Rights Watch](#) (HRW) has also confirmed that these zones have historically been [unsafe](#), and that they are [among the most dangerous places in the country](#).

In 2024, Synergy Association for Victims documented the arrest of no less than 217 people, including 10 women and a child in Ras al-Ayn/Serê Kaniyê City and its countryside. While 82

were released, 129 persons remain forcibly disappeared in the SNA-run prisons amid lack of any transparent legal proceedings ensuring fair trials for the detainees.

Coinciding with the withdrawal of the Syrian regime on December 8, 2024, the [Syrian Interim Government](#) (SIG) affiliated to the opposition [Syrian National Coalition](#) (SNC) issued a [general amnesty decision](#). However, the amnesty did not include Kurdish detainees who remained in custody without trails or clear charges. In addition, many of them were released only after paying financial ransoms to members and leaders of the armed factions.

The reiteration of these incidents reflects the existence of a suppressive environment that prevents a voluntary and safe return of the forcibly displaced to their territories, resulting in constant displacement and social instability. Moreover, the absence of effective remedy mechanisms reinforces a culture of impunity and encourages the continuation of these violations, amid the judiciary's failure—or unwillingness—to address these abuses fairly and effectively.

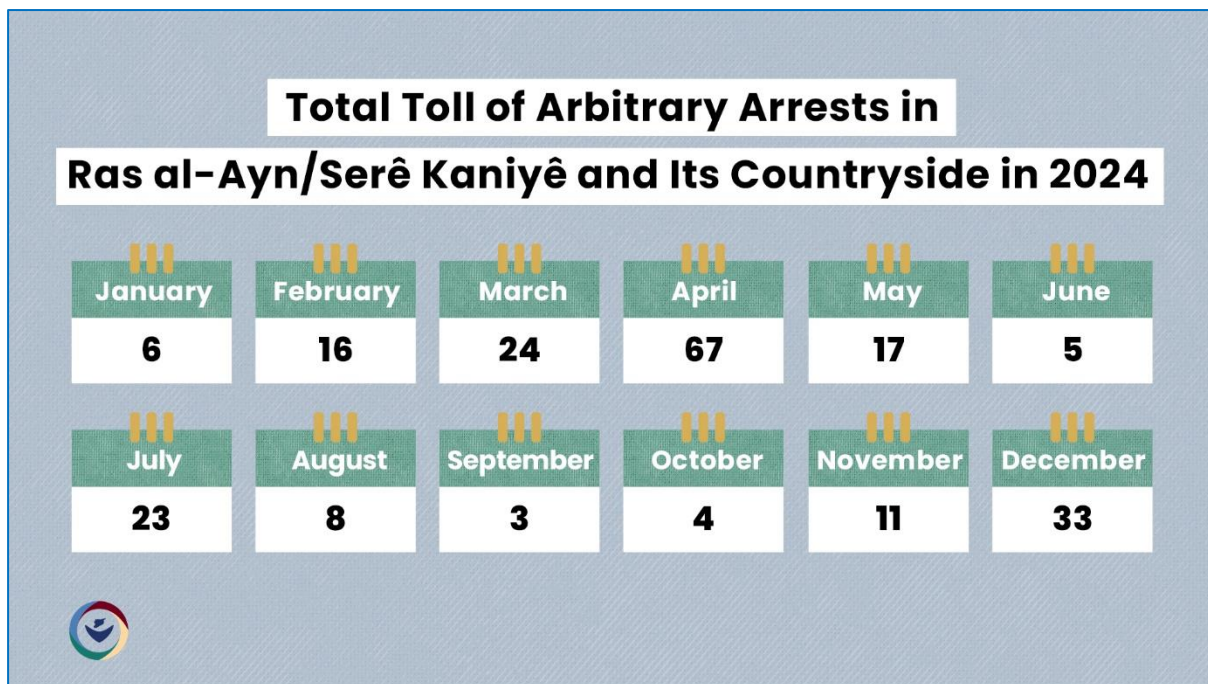
Overall, these incidents underscore the urgent need for stronger international intervention to monitor human rights conditions in these areas, hold perpetrators accountable, and ensure the application of international justice standards to protect civilians from systematic crimes and violations.

Serious Escalation of Arrests and Violations in Ras al-Ayn/Serê Kaniyê:

The 2024 year witnessed a sharp rise in cases of arbitrary arrest and enforced disappearance in Ras al-Ayn/Serê Kaniyê Region and its countryside. Synergy Association documented no less than 217 arrest cases, including 10 women and a child. While 82 individuals were released, the fate of 129 others remains unknown, as they have become forcibly disappeared in the SNA-held prisons.

In comparison to 2023, an alarming escalation in the scale of violations appears, with the rate of arbitrary arrests and enforced disappearances increasing by 128%. This figure rose from 95 cases in 2023 to 217 cases in 2024. Meanwhile, the number of enforced disappearances increased by 84%, as the figure heightened from 70 to 129. Additionally, the number of individuals subjected to torture surged by 256%, rising from 23 to 82 cases. These statistics reflect a serious deterioration in the human rights situation in the region.

Survivors of arbitrary detention and enforced disappearance reported being subjected to various forms of physical and psychological torture. Synergy Association has documented several cases where members of the SNA demanded financial ransoms from the families of the disappeared and detained in exchange for their release. Additionally, 87 individuals seeking asylum were documented as being arrested while attempting to cross into Turkey, in a context referring to a systematic exploitation of the refugees' circumstances to gain illegitimate financial profits.



The analysis of the information documented by Synergy Association indicates the involvement of several security and military apparatus in the arrest cases. For example, the Military Police carried out at least 76 arrests, followed by the Sultan Murad Division with 59 cases, and then the Civil Police with 17 arrests. Additionally, there were numerous instances where the involved party could not be directly identified, particularly due to patterns of arrests involving the transfer of victims between multiple entities.

In its documentation process, Synergy Association relied on a network of field researchers, information from the families of detainees and eyewitnesses, in addition to verifying open-source information. The Association emphasizes that the scale of violations committed by the SNA-affiliated factions in Ras al-Ayn/Serê Kaniyê Region and its countryside far exceeds what is actually documented. This demonstrates the gravity of the human rights and security situation in these areas and underscores the need for international action to hold those responsible for these crimes accountable.

Arbitrary Arrest as A Systematic Pattern and an Ongoing Violation of Human Rights:

Arbitrary detention, enforced disappearance, and torture remain systematic and widespread practices in the SNA-controlled territories. In many of its reports, Synergy Association documented the continuation of these practices; all amid a complete absence of justice and accountability.

Inhuman Detention Conditions:

The Turkish-backed SNA did not adhere to any humanitarian standards that should be applied to individuals detained by its forces. All of the interviewees reported being held in overcrowded places or solitary confinement cells for prolonged periods without any justifications. Inhumane detention conditions were imposed on all the victims, in which the perpetrators aimed to either increase pressure on the victims to extract confessions, information, or ransoms from the family, or without any specific purpose, merely to inflict further suffering on the victims.

The majority of the victims underwent the same experience of sleep deprivation, exposure to freezing temperatures, deprivation from any means of warmth, including blankets. Nor did any victim state that they had access to adequate nutrition or clean drinking water. Furthermore, all the victims were subjected to insults, expressions and conducts that touch their honor according to the prevailing social norms.

Detention has multi-faceted impacts on men, women and children including both physical and mental harm. The majority of the former detainees described suffering from chronic physical pain resulting from torture they sustained, let alone suffering from post-traumatic stress disorder (PTSD), panic attacks, constant fear, anxiety, and isolation, compounded by recurring nightmares that exacerbate their trauma.

Torture and Inhuman Treatment:

The evidence and testimonies collected by Synergy indicate that practices of torture and ill-treatment have become a widespread systematic approach in the SNA-controlled areas. These practices are not limited to arbitrary detention and enforced disappearance, but also include brutal torture, aimed at intimidating the population, forcing them to leave their original areas, or demanding financial payments in exchange for their freedom.

Apparently, cooperation with the SDF remains the most common accusation used to justify the arbitrary arrests and torture in the SNA-held territories. This suggests that such accusations are applied arbitrarily to justify detentions and violations.

Patterns of torture—committed by the SNA and documented by Synergy— reflect a disturbing similarity to the abuses previously perpetrated by the former Syrian regime in its various security branches. The survivors reported experiencing multiple forms of torture, including kicking, slapping, beating with sticks and water hoses, and flogging with electric wires.

Several victims were subjected to Blanco (Shabah) and Farouja (Chicken) methods of torture, and had cigarettes extinguished on their bodies. While others were suspended from the ceiling and beaten by the butts of guns and electrocuted. Other patterns of torture

included drowning, breaking fingers, inflicting wounds with sharp objects, and being dragged behind a military vehicle.¹

Alongside physical torture, there was also psychological harm. The majority of the victims were subjected to humiliation, while some were compelled to witness other individuals being tortured more severely and were threatened with the same punishment if they did not cooperate and confess the information needed. Many victims were threatened with death, and firearms were pointed towards the heads of some. Several ended up agreeing to sign confessions they never made.

In a joint report published on June 26, 2024, titled “[In the Absence of Accountability: Torture as a Systematic Policy in Northern Syria](#)”, Synergy Association documented that torture and ill-treatment amount to be part of a widespread systematic pattern in the SNA-held areas in Northern Syria, under the full view or involvement of the Turkish forces.

Legal Framework:

▪ Obligations of Non-State Armed Groups (NSAGs) According to International Law:

In the context of the International Humanitarian Law (IHL) applicable in all areas included in this letter, this law regulates issues sufficiently related to the existing armed conflict. NSAGs exercise control on the civilian population by virtue of an armed conflict in which these groups have engaged in against the state. Accordingly, the IHL is applicable for the protection of those populations from exercising arbitrary authority by parties to the conflict in the absence or disruption of the protection supposed to be granted to them by national laws.² Therefore, NSAGs are obligated to apply a set of legal conventional and customary laws in dealing with civilians during armed conflicts, including at least “protection provided to the wounded and sick, protection of hospitals, principle of human treatment, prohibition of collective punishment, pillage, retaliation, and hostage-taking, prohibition of forced displacement and deportation, and the right to due process and judicial guarantees.”³

On the other hand, despite states have the primary responsibility for the respect, protection, and fulfilment of human rights under international law, there is a growing support for the approach saying that NSAGs in control of territories, and thus populations, assume obligations of IHRL to avoid a protection gap.⁴ The UN endorsed this approach.⁵

¹ In the method of torture known as Blanco: The victims are suspended by the wrists to ropes dangling from the ceiling to force them stand on the tip of their toes, so they are exposed to huge pressure or they remained hanged in the air so that the weight of their bodies press on their wrists and lead to the swelling of the wrists causing intense pain. The victims may remain in such situation for hours or days in combination with severe beatings. While in the method of torture known as Farouja: The victim’s hands and legs are tied together and are suspended on a wooden or a metal bar. Then, they are raised from above the ground to resemble the way of grilling a chicken in combination with beating on all over the body.

² Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, Vol. 8, CDDH/I/SR.22, Geneva, 1974–77, p. 201.

³ Sivakumaran, *The Law of Non-International Armed Conflict*, (Oxford University Press, 2012), p 530.

⁴ Committee Against Torture, 20th Sess., *GRB. v Sweden*, Communication No. 83/ 1997, UN. Doc. CAT/C/20/D/83/1997 (19 June 1998); *Sheekh v Netherlands*, App. No. 1948/04, HUDOC at 45 (11 January 2007); UN Secretary-General, Report of the

Furthermore, the Human Rights Council noted that “it is increasingly considered that under certain circumstances non-State actors can also be bound by international human rights law.”⁶ Also, in their joint statement, human rights experts of the Special Procedures of the Human Rights Council concluded that “at a minimum, non-state armed actors exercising either government-like functions or de facto control over territory and population must respect and protect the human rights of individuals and groups.”⁷

▪ **Torture and Inhuman Treatment:**

The prohibition of torture, cruel, brutal, degrading treatment or punishment is a peremptory norm of international law (*jus cogens*). Prohibition, in this context, is not subjected to any justifications, limitations or pretexts related to the legal status of the party concerned. Prohibition is absolute in times of peace and war and is applicable to all actors without exception.

Within this context, Common Article 3 to the Geneva Convention applicable during non-international armed conflicts prohibits torture, cruel treatment and outrages upon personal dignity (inhuman treatment), in particular humiliating and degrading treatment; this prohibition is considered a reflection to Customary IHL.⁸ It is important to note that the two terms of torture and inhuman treatment prohibited during armed conflicts do not require the participation or presence of a state official or of any other authority-wielding person in the torture process,⁹ as required by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Accordingly, leaders and members of armed groups, in their capacity, assume legal liability for committing acts amount to torture or inhuman treatment without the need to argue the liability of the state in such acts. Commission of torture or inhuman treatment during non-international armed conflict entails individual criminal responsibility in case it fulfils elements of the crime of torture or inhuman treatment enshrined in the statutes of international criminal courts.¹⁰ It is worth mentioning that the duty of human treatment is applicable in all circumstances and military

Secretary-General’s Panel of Experts on Accountability in Sri Lanka, 243 (31 March 2011), p 188; Darragh Murray, *Human Rights Obligations of Non-State Armed Groups* (Hart Publishing, 2016).

⁵ OHCHR, ‘International Legal Protection of Human Rights in Armed Conflict’, Geneva and New-York (2011), pp 23-27 (Available at: https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf).

⁶ Ibid. p. 24

⁷ OHCHR, Joint Statement by independent United Nations human rights experts on human rights responsibilities of armed non-State actors, 25 February 2021 (Available at: <https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights?LangID=E&NewsID=26797>).

⁸ Rule 90 of International Committee of the Red Cross (ICRC) regarding Customary International Humanitarian Law.

⁹ ICTY, Kunarac Trial Judgment, 2001, para. 496, confirmed in Appeal Judgment, 2002, para. 148. See also Simić Trial Judgment, 2003, para. 82; Brđanin Trial Judgment, 2004, para. 488; Kvočka Appeal Judgment, 2005, para. 284; Limaj Trial Judgment, 2005, para. 240; Mrkšić Trial Judgment, 2007, para. 514; Haradinaj Retrial Judgment, 2012, para. 419; and Stanišić and Župljanin Trial Judgment, 2013, para. 49.

¹⁰ Rome Statute, Article 8, C, (i) and (ii), statute of the international criminal tribunal for the former Yugoslavia, Article 2 (b), statute of the international tribunal for Rwanda, Article 4.

necessity, or reciprocity may not be invoked as arguments against fulfilling this obligation by the opposing party to the conflict.¹¹

Article 5 of the Universal Declaration on Human Rights (UDHR) provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Similarly, Article 2 of the CAT obliges state parties to refrain from acts of torture and to take effective legislative, judicial, and administrative measures to prevent acts of torture on their territories. Article 16 of the CAT obliges state parties to prohibit and prevent other cruel, inhuman, or degrading treatment or punishment that does not amount to torture under their jurisdiction. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 2 (2) of the CAT provides that “no exceptional circumstances, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Likewise, Article 4 (2) of the ICCPR clarifies that the obligation under Article 7 (prohibition of torture) cannot be derogated from in times of war or any kind of public emergency.

- **Arbitrary Deprivation of Liberty:**

As a rule of the Customary IHL,¹² arbitrary deprivation of liberty is prohibited. This is applied by analogy to its application to international armed conflict and also under IHRL. Accordingly, deprivation of liberty must be legitimate in the applicable law and comply with the essential procedures, most importantly: the arrested person must be informed of any charges, the person arrested or detained on a criminal charge shall be brought promptly before a judge, anyone who is deprived of liberty by arrest or detention has the right to take proceedings before a court to decide the lawfulness of the detention.¹³ With respect to the legitimacy of deprivation of liberty, imperative reasons imposed during international armed conflict for an actor are limited to this deprivation only for utmost necessities if not for criminal causes are cited generally.¹⁴ In addition, regardless of the causes of deprivation of liberty, all parties to the conflict are obligated to treat all persons under their control humanely and without discrimination in accordance with the first paragraph of the Common Article 3.

In the context of the IHRL, Article 9 of the UDHR prohibits acts of arbitrary arrest, detention, or exile. Article 9 of the ICCPR protects the right of individuals to liberty and security. Additionally, in paragraph 4, it provides that that anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that

¹¹ ICRC 2020 Commentary on Common Article 3, para 596.

¹² Rule 99 of the ICRC regarding Customary International Humanitarian Law.

¹³ See for instance, Human Rights Committee, General Comment No. 35, 2014.

¹⁴ For instance, articles 42 and 78 of the Fourth Geneva Convention.

court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

In General Comment No. 35, the Human Rights Committee addressed the applicability of Article 9 of the ICCPR to situations of armed conflict, given that IHL regulates the detention of enemy fighters and civilians differently. The Human Rights Committee clarified that “article 9 [of the ICCPR] applies also in situations of armed conflict” and that IHL and IHRL are complementary spheres of law, not mutually exclusive.

Furthermore, while Article 9 is not included as a non-derogable clause under Article 4(2) of the ICCPR, there is a limit on state’s power to derogate. Any exception to Article 9 (which has not been done in the situation of Syria) must be “strictly required by the exigencies of the actual situation.” Lastly, “If, under the most exceptional circumstances, a present, direct, and imperative threat is invoked to justify the detention of persons considered to present such a threat, the burden of proof lies on states parties to show that the individual poses such a threat and that it cannot be addressed by alternative measures, and that burden increases with the length of the detention. States parties also need to prove that detention does not last longer than absolutely necessary, that the overall length of possible detention is limited and that they fully respect the guarantees provided for by article 9 in all cases.

By the growing consensus on the responsibility of NSAGs to respect and protect human rights in the areas they control, above-mentioned provisions are applicable to the SNA’s factions due to the fact that they continue to control the so-called “Peace Spring” and “Olive Branch” areas and perform functions similar to those of the Government.