

ملحق 2: رسالة إلى وزارة الدفاع ووزارة الخارجية التركية

(نسخة بالإنجليزية)

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: +1-212-290-4700
Fax: +1-212-736-1300; 917-591-3452

MIDDLE EAST AND NORTH AFRICA DIVISION

Lama Fakih, Executive Director
Eric Goldstein, Deputy Director
Michael Page, Deputy Director
Adam Coogler, Deputy Director
Ahmed Benchemsi, Advocacy and Communications
Director

ADVISORY COMMITTEE

Asli Bali, Co-Chair
Kathleen Peralta, Co-Chair
Bruce Rabb, Vice-Chair
Fouad Abdelmoumeni
Gamal M. Abouali
Barrak Alahmad
Hala Al-Dosari
Ghanim Al-Najjar
Sam Bahour
Luhac Diwan
Bahey El Din Hassan
Hassan Elmasy
Mai El-Sadany
Mansour Farhang
Loubna Fréih Georges
Nadim Houry
Shawan Jabarin
Ahmed Mansoor
Abdelaziz Nouaydi
Nabeel Rajab
Charles Shamas
Susan Tahmasebi

HUMAN RIGHTS WATCH

Tirana Hassan, Executive Director
DEPUTY EXECUTIVE DIRECTOR
Wisia Heneghan, DED/ Chief Operating Officer
SENIOR LEADERSHIP
Serif Bashi, Program Director
Lauren Camilli, General Counsel
Mei Fong, Chief Communications Officer
Abit Ghattas, Chief Technology Officer (Acting)
Manuella Lazo, Chief Financial Officer
Joe Lis, Chief People Officer (Acting)
Valentina Rosa, Chief Development Officer
James Ross, Legal and Policy Director
Bruno Stagno Ugarte, Chief Advocacy Officer
Minjon Tholen, Global Head of Diversity, Equity, and
Inclusion

1

HUMAN
RIGHTS
WATCH

HRW.org

TO: Minister of Defense Yaşar Güler

CC: Minister of Foreign Affairs Hakan Fidan

November 21, 2023

Dear Minister Yaşar Güler,

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

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

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

AMMAN - AMSTERDAM - BEIRUT - BERLIN - BRUSSELS - CHICAGO - COPENHAGEN - GENEVA - GOMA - JOHANNESBURG - KYIV - KINSHASA - LONDON - LOS ANGELES - MIAMI
NAIROBI - NEW YORK - PARIS - SAN FRANCISCO - SÃO PAULO - SILICON VALLEY - STOCKHOLM - SYDNEY - TOKYO - TORONTO - WASHINGTON - ZÜRICH

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

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

Detention-related abuses

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

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

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

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

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

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

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

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

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

Housing, land, and property violations

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

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

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

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

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

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

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

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

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

Accountability for human rights abuses

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

[REDACTED]
Lana Fakih

[REDACTED]
Director, Middle East and North Africa Division
Human Rights Watch

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