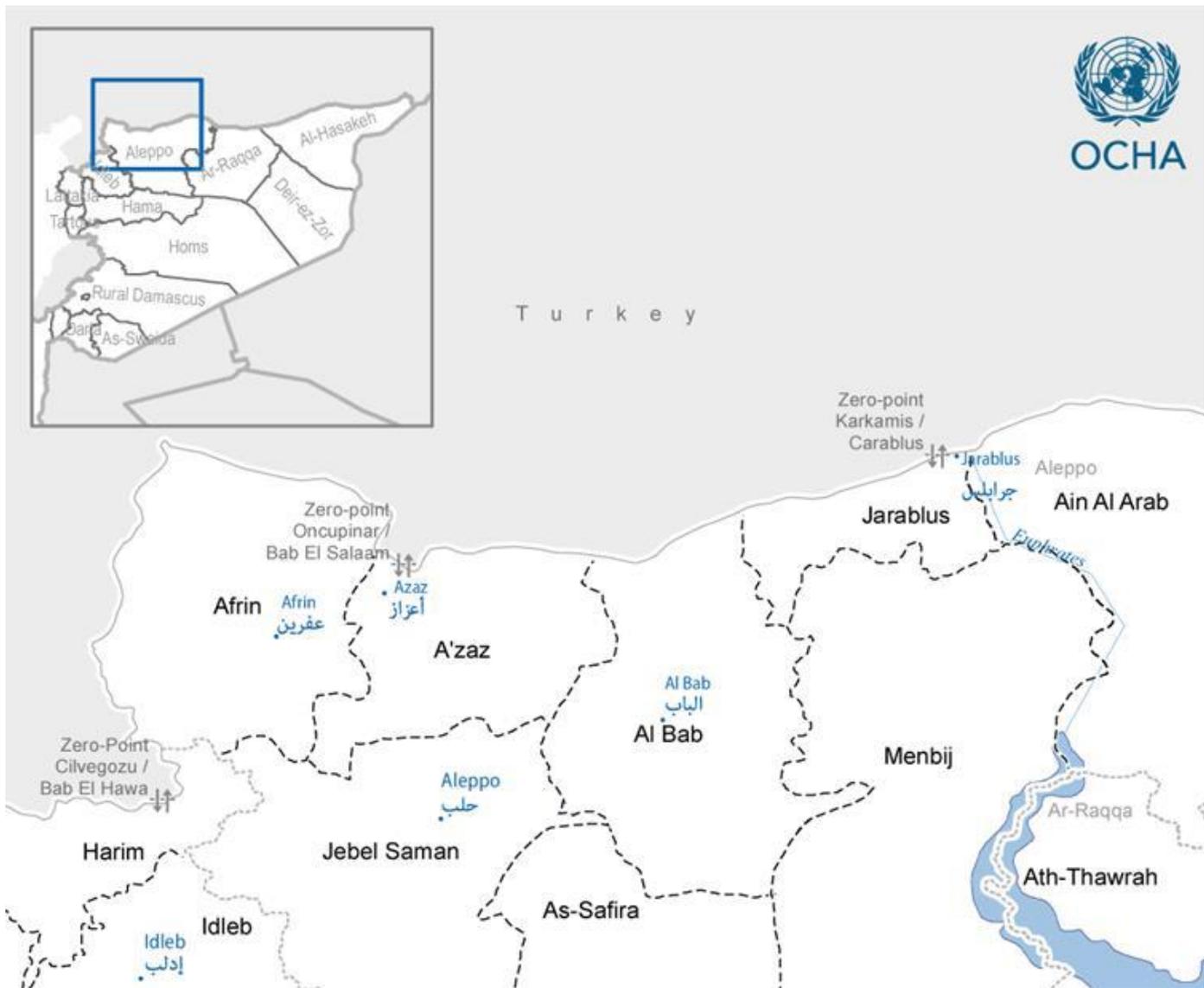


Between a Rock and a Hard Place – Civilians in North-western Syria

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Parts of north-western Syria are currently under the control of Turkish forces and a number of affiliated Syrian armed groups that formerly fought under the Free Syrian Army (FSA) banner, but which now appear to be operating under the control of Turkish forces. These areas include the districts of Afrin, Al-Bab, Azaz, and Jarablus. While extensive focus has been given to concerns about the well-being and human rights situation of civilians in other parts of Syria, civilians now living in areas under the control of Turkish forces and affiliated armed groups continue to face hardships, which in some instances may amount to violations of international humanitarian law and violations or abuses of international human rights law.



This Monthly Human Rights Digest on Syria has been prepared by the Office of the United Nations High Commissioner for Human Rights based on information collected by the Office along with contributions from other UN agencies that has been analysed according to its methodology. It is intended to provide an overview of some current and possible future human rights concerns in Syria, as well as provide a brief outline of relevant international human rights and humanitarian law provisions. The Digest does not seek to highlight all human rights violations and abuses committed in Syria during the month, nor list all documented cases of a particular type. Rather, the Digest focuses on a few key human rights issues which are of particular concern as the situation develops, based on data which has been analysed and cross-checked and analysed for credibility and reliability. Only information which is deemed credible according to this methodology is included.

I. General Analysis and Overview

Operation Euphrates Shield

On 24 August 2016, the Office of the Prime Minister of the Republic of Turkey announced the start of “Operation Euphrates Shield”, which was described as a military operation by Turkish air and ground forces supported by affiliated armed groups with the objective of clearing areas of north Syria bordering Turkey of what it termed as “terrorist groups”, including both ISIL and the Kurdish dominated, United States-backed Syrian Democratic forces (SDF). The operation lasted from August 2016 until end of March 2017, and led to Turkish forces and affiliated armed groups taking control of Jarablus and Azaz districts, and Al-Bab City of Aleppo Governorate.

Operation Olive Branch

A second military offensive, “Operation Olive Branch” was launched by Turkish military forces on 20 January 2018, soon after the US-led Coalition announcement of the creation and deployment of a 30,000 strong border protection force constituted primarily of the Kurdish YPG-dominated SDF along Syria’s northern border with Turkey. The operation was aimed directly at Kurdish forces in the district of Afrin, using both air and ground forces alongside armed groups that had formerly participated in Operation Euphrates Shield.

Prior to “Operation Olive Branch”, Afrin was controlled by a variety of predominantly Kurdish

forces. The district is strategically located between areas to the east which had fallen under the control of Turkish forces and affiliated armed groups in Operation Euphrates Shield, the Republic of Turkey to the west and north, and Idleb Governorate to the south – the latter of which remains controlled by a variety of armed groups.

By 18 March, Turkish forces and affiliated armed groups had captured the city of Afrin, with the entire district of Afrin coming under their control shortly thereafter. Subsequent to taking control of these areas, Turkish forces assumed responsibility for local health care delivery, law enforcement, and public administration. Administration of Hospitals was handed to the Turkish Red Crescent Society; a new civilian police force was established with officers trained in Turkey, and local administrators were replaced by persons selected by Turkey.

On 20 January the Government of Syria condemned Turkish military operations in Afrin. On 30 January the Ministry of Foreign Affairs of the Republic of Turkey issued a *note verbale* to the High Commissioner for Human Rights in which it claimed that it had carried out these military operations on the basis of Article 51 of the UN Charter, and that such operations were aimed at ensuring the security of its border with Syria, neutralising “terrorists” which threatened its national security, as well as ensuring the territorial integrity and political unity of Syria.

As a result of Operation Olive Branch much of northern and north-western areas of Syria bordering the Republic of Turkey were brought under the control of Turkish forces and affiliated armed groups, from Jarablus to the east to the border with Idleb Governorate in the west. Military operations

against Kurdish forces also appear to have been intended to send a clear signal that Turkey is prepared to act militarily against any Kurdish forces or other armed groups present along its border that are deemed hostile to its interests, irrespective of their affiliation or support from other members of the international community.

Turkish military interventions directly into northern Syria took place in the context of various discussions and agreements between various international and regional actors. Cooperation between the Governments of Turkey and the Russian Federation has increased gradually since the failed military coup in Turkey in 2016. This cooperation may have been given greater impetus owing to the continued support by the United States for Kurdish forces, including the SDF, operating in northern and eastern Syria along Turkey's southern border, many of which are also alleged by Turkey to be associated or under the influence of the Turkish-based *Partiya Karkerên Kurdistanê* (PKK - Kurdistan Workers' Party) – which is viewed by the Government of Turkey to be a “terrorist” group. It appears that Turkey's military intervention was consulted with other international actors with interests in Syria, which perhaps explains the withdrawal of Russian personnel from the area prior to the operation, the non-intervention by Syrian Government forces despite their presence around the Afrin district, and the non-intervention by United States forces in support of the SDF. In return it may be that Turkey gave its support to military offensives launched by the Syrian Government and its allies to retake control of Eastern Ghouta and other areas around Damascus from armed opposition groups.

Further military engagement by Turkey in other areas of northern Syria, particularly in relation to the city of Manbij which currently remains under the control of Kurdish forces is highly likely – although there is a chance that a political agreement between the main actors might obviate the need for direct Turkish military engagement. On 4 June, Turkey and the United States agreed on a three-step roadmap to withdraw Kurdish fighters from Manbij and to implement joint US-Turkey supervision of the city of Manbij. However, implementation of the agreement remains unclear as does the situation of human rights of hundred thousands of civilians remaining in Manbij. If successful, the agreement may signal greater cooperation between Turkey and the United States over other areas and issues in northern Syria.

II. Governance Structures

After the initial establishment of authority over Afrin by Turkish forces and affiliated armed groups, public officials, including judges, were replaced and governance structures were altered. In Afrin, as was done previously in al-Bab, Azaz, and Jarablus districts, governance structures were at least nominally handed over to the Turkish based “Syrian Interim Government”. The existing local governance structure of Afrin was replaced by a local council established by Turkey, initially named the “Rescue Council of Afrin”. A local “civilian police” - trained and equipped by Turkey - was deployed in Afrin City on 24 May. It is reportedly made up of both ethnic Arabs and Kurds from both Afrin and other areas of Syria. A Syrian national has also been appointed by Turkish officials to act as the judge in charge of cases in Afrin. This person is understood to visit Afrin from

Turkey on a regular basis, although he is not yet based there for security reasons. Oversight of these governance structures was maintained, however, by Turkey. Two Turkish nationals were tasked by the Wali (Governor) of the Turkish district of Hatay to perform the functions of Wali in Afrin and to report directly to him. One of the two Walis visits Afrin every second day for a few hours before returning to Hatay with a report on the situation on the ground.

III. Violations and Abuses in Areas under the Control of Turkish Forces and Affiliated Armed Opposition Groups

The situation of civilians in areas under the control of Turkish forces and affiliated armed groups operating under their control remains under-reported, despite information raising serious concerns with regard to their safety and well-being. In areas such as Afrin, al-Bab, Azaz, and Jarablus, the security situation remains volatile, with *de facto* authorities currently unable or failing to act to ensure public order and safety - a situation exacerbated by fighting between various armed groups made worse by the arrival of additional fighters from armed groups from other areas of Syria, including Eastern Ghouta. Sources in Afrin and other areas in northern Aleppo Governorate report to OHCHR that there are high levels of violent crime,

with civilians falling victim to robberies, harassment, abductions, and murder. OHCHR continues to receive allegations of discrimination against civilians perceived to hold sympathies or affiliations to Kurdish forces.

Public Order and Safety

OHCHR has received reports of lawlessness and rampant criminality committed by armed groups in areas under the control of Turkish forces and armed groups operating under their control in northern Syria. Reports include allegations of theft, harassment, cruel treatment and other abuse, and on occasion murder perpetrated particularly by fighters of the Sultan Murad Division which consists of mainly ethnic Turkmen fighters, the Hamza Division which consists of four armed opposition groups that were previously fighting under the banner of the "Free Syrian Army" in Mare'a city in Aleppo until 2016, and the Ahrar Al-Sharqiya, which consists mainly of fighters from Deir-ez-Zor Governorate.

OHCHR has also documented an increase in armed clashes between different armed groups reported to be under the control of Turkish forces, which is having a serious impact on civilians, including deaths and injuries. Civilians have informed OHCHR that a number of members of armed opposition groups operating in the area are former well-known local criminals, smugglers, or drug dealers. Further, the infighting between various armed groups has been exacerbated by the arrival, with the approval of Turkey, of additional fighters from groups such as Failaq ar-Rahman and Jaish al-Islam and their civilian family members from other areas of Syria following

“reconciliation agreements” in areas such as Eastern Ghouta or after fleeing a hostile reception by Hay’at Tahrir al Sham in Idlib Governorate.

In one incident on 6 May, armed clashes erupted in the centre of the densely civilian populated city of al-Bab between fighters from the Ahrar Al-Sharqiya, who had fought in Operation Euphrates Shield, and those from Ahrar Al-Sham reinforced reportedly by fighters coming from Azaz and Jarablus. The violence began a few hours after the alleged murder of 10 male civilian IDPs from Deir-ez-Zor Governorate, recently arrived in al-Bab City along with other IDPs from the Al-Qalamoun area of Rural Damascus Governorate. The ten murdered civilians were reportedly shot in the head at a checkpoint set up by armed members of the Al-Waki family (which enjoys close links with some of the armed groups) in the vicinity of the Al-Center Roundabout. Reports received by OHCHR confirmed that several checkpoints were established subsequently by Ahrar Al-Sharqiya and Ahrar Al-Sham from where they exchanged gunfire and imposed movement restrictions on civilians. The armed clashes resulted in the killing of three civilians, including one woman, and the injuring of 19 others, including an unconfirmed number of women and children.

OHCHR has also confirmed reports of looting of private property from houses, shops, along with governmental and military facilities, and seizures of private real estate by fighters from various Turkish-affiliated armed groups. Large scale looting is believed to have taken place immediately after each area was taken, although reports continue to be received that looting – particularly of vehicles and agricultural equipment - continues on a daily basis. A

substantial amount of looted property is believed to have been sold in market places in Azaz, despite some reports that the local “police” in Azaz have detained a number of individuals accused of being responsible for the looting.

OHCHR has also received reports of abduction of civilians, which information indicates is often motivated by ransoms. OHCHR has documented at least eleven cases in which civilians including women and children were abducted, some of them later released after paying ransoms ranging between USD 1,000 to 3,000, while the whereabouts of others remain unknown.

Discrimination

Reports continue to be received by OHCHR that civilians, particularly ethnic Kurds from Afrin, are being targeted for discrimination by the *de facto* authorities.

i) Housing, Land, and Property

Thousands of fighters and their civilian family members in addition to other civilian IDPs are believed to have recently arrived in Afrin after crossing either from Idlib Governorate or from areas in northern Syria after they were evacuated from Eastern Ghouta, rural Homs, and Hama Governorates. These IDPs are for the most part ethnic Arabs, many of who have been placed randomly by the armed groups in the empty houses of civilians (mostly Kurds) who had fled the violence in Afrin in February and March. Many civilians seeking to return to their homes have found them occupied by these fighters and their

families, who have refused to vacate them and return them to their rightful owners. Others reported that they found their houses had been looted or badly damaged. OHCHR is concerned that permitting ethnic Arabs to occupy houses of Kurds who have fled, effectively prevents the Kurds from returning to their homes and may be an attempt to change permanently the ethnic composition of the area.

In addition to reports of looting and the seizure of real-estate and private property noted above, there have also been reports of civilian property being confiscated under the pretext that the person had been in some way affiliated with Kurdish forces. In one confirmed incident, fighters raided the shop of a local blacksmith in Afrin City on 5 May and confiscated all his equipment based on the accusation that he had provided his business services to the YPG while they were operating in Afrin City.

ii) Freedom of Movement

Despite reports of on-going civilian casualties due to UXOs that continue to have a severe effect on civilians' ability to move freely, civilians are also being subjected to severe restrictions on their freedom of movement for unrelated security reasons. OHCHR has confirmed reports that Afrin district has been divided into so-called "security squares" amongst the different Turkish-backed armed groups, including the recently arrived Jaish Al-Islam and Failaq Ar-Rahman. Each square includes a number of neighbourhoods that are held by specific armed groups, which have established several checkpoints around these areas to control

the movement of civilians. The outskirts of Afrin district reportedly remains under the control of Turkish military maintained by a network of checkpoints. Civilians must obtain a written approval from either the Turkish army in Afrin or the armed group in control of a specific area addressed to the Turkish army or to armed groups in control of other "security squares" to be able to move between these "security squares", villages, cities, and towns. OHCHR received information that people originally from Afrin district – particularly Kurds - are subjected to stricter screening procedures and lengthier processes to obtain approvals than internally displaced fighters and their civilian families and other civilians who have recently arrived in Afrin from Eastern Ghouta and other areas– allegedly due to security reasons linked to the perception that such persons might possibly have links to Kurdish forces. In one incident on 19 May, a minibus transporting civilians from Afrin City to Idleb was stopped and screened at several checkpoints controlled by Turkish and affiliated armed groups inside Afrin and along the road running from Azaz to Idleb. OHCHR confirmed reports that at one Turkish controlled checkpoint located a few kilometres beyond Azaz city, a minibus was stopped and a Turkish soldier asked if there were Kurdish passengers aboard. A middle-aged man responded that he was a Kurd from Afrin City whereupon he was asked to show the permit he had obtained from Afrin which authorized him to travel. He showed the permit along with a medical report from Afrin Hospital written in Turkish explaining his need to travel to attend a doctor's appointment. Other non-Kurdish passengers were not required to show any permits or provide evidence of their reasons for travelling.

iii) Screening Procedures and Deprivations of Liberty

OHCHR continues to receive reports from Afrin district of civilians, including women, being taken from their homes or detained at checkpoints, based on accusations of being former fighters of/or affiliation with Kurdish forces. The whereabouts of a large number of such civilians remain unknown. Many such civilians had been forcibly recruited into various Kurdish armed forces prior to Operation Olive Branch, but subsequently found themselves targeted by both Turkish forces and affiliated armed groups. In one incident on 10 April, a twenty year old woman was taken from her home in Afrin City by Turkish affiliated armed groups - reportedly accused of being a former member of the Yekîneyên Parastina Jin (YPJ - Women's Defense Unit) - and she was then brought before a so-called "Shari'a Court" in Al Bab.

iv) Freedom of Speech- Targeting of Journalists and Activists

OHCHR has confirmed reports of attacks directed against journalists and activists by Turkish-affiliated armed groups in Afrin and other areas in northern Aleppo Governorate. On 13 April, fighters from the Ahrar Al-Shamal – a faction of Failaq al-Sham - raided the house of an ethnic Arab journalist in Azaz district, physically assaulted his son and nephew and took the journalist away for few hours. The journalist was reportedly accused of posting a video critical of Ahrar Al-Shamal on his Facebook page. The journalist was later released after being beaten and threatened with death if he

did it again. In another incident on 7 May, fighters from Ahrar Al-Sharqiya raided the house of a Kurdish journalist in Afrin City and verbally abused his family while searching for him, although he had already fled the house. The Ahrar Al-Sharqiya reportedly destroyed his laptop and conducted a search in the local neighbourhood for him. OHCHR also received reports that similar attacks against journalists and activists continue to take place in an attempt to stifle public criticism of Turkish forces or affiliated armed groups.

Public Health and Hygiene

Aside from incidents of lawlessness, which have affected the operations of at least one hospital in Al-Bab, there are also indications of an acute lack of access to basic humanitarian assistance, including healthcare in Afrin. Currently only a few NGOs are allowed access to Afrin – and all of them should be registered in Turkey. Organizations currently operating are unable to meet the humanitarian needs of the entire population, with increasing reports of disease resulting from a lack of access to clean water. Those suffering from serious medical problems are being taken to hospitals outside Afrin district in Azaz, Jarablus, or al-Bab in northern Aleppo Governorate. Restrictions are often placed on persons seeking to leave areas under the control of Turkish forces or affiliated armed groups in order to obtain medical assistance, with patients often forced to pay large amounts of money to armed fighters manning checkpoints along the road to facilitate their access.

On 4 May at around 22:00 a prominent armed fighter with a few other fighters belonging to the Hamza Division reportedly raided the Al-Hikma private hospital and physically assaulted two male and one female nurse over what they viewed was a delay in providing medical assistance to one of the fighters' relatives. Bullets were fired in the air and the hospital had to stop functioning for a few hours during which staff and operations were transferred temporarily to Al-Salam hospital in the city. Hospital staff were reportedly then attacked in the Al-Salam hospital by the same assailants on 5 May around 05:00 and one male nurse was allegedly beaten. The attacks reportedly created great resentment, with an angry civilian crowd approaching the local "police" demanding action be taken against the perpetrators - already suspected of having been behind various other serious incidents including thefts and murders. The Turkish army reportedly intervened and tried to control the situation to calm the angry crowd, firing into the air in an attempt to disperse the protesters – but in so doing injured one male civilian. The perpetrators were reportedly handed over to the Police by the Hamza Division on 5 May, but they were released a few days later after threats were made to the "police" by high ranking members of the armed group.

IV. Looking forward

It is highly likely that areas currently under the control of the SDF or other Kurdish forces will change hands in the near future. The Government of Turkey has been quoted on numerous occasions as stating that a Kurdish dominated military force along its border is unacceptable, and numerous overtures

have been made about a future offensive against such forces, particularly those in the city of Manbij. Turkey continues to consider the Kurdish-led Democratic Union Party in Syria (PYD) and all its armed wings including the Yekîneyên Parastina Gel (YPG - Kurdish People's Protection Units) and the YPJ as a "terrorist" group due to their strong links to the Turkish-based Partiya Karkerên Kurdistanê (PKK - Kurdistan Workers' Party) with which Turkey has been fighting for many years. In the absence of a political agreement between the main actors, Turkish forces may launch further military offensives either directly or through affiliated armed groups against areas that remain under the control of Kurdish forces, particularly the city of Manbij. It seems that further military operations have not yet been launched to date due to the continuing presence of United States forces that are supporting the Kurdish-dominated SDF, which are currently engaged in military operations against ISIL in the north and east of Syria. All indications are however, that such support by the United States may not continue after the final defeat of ISIL in Syria - and it reported that there are ongoing discussions between the United States and Turkey, and other interested actors, on a plan to withdraw Kurdish forces from at least Manbij area in northern Aleppo to limit the prospect of further conflict.

Given recent meetings between President Putin, President Erdogan and President Rouhani in April 2018, and recent relative improvement of channel negotiations with the United States, there may well be a future agreement concerning the transfer of territories in the north of Syria currently under Turkish control and those areas under the control of other groups, either directly or indirectly to the

Syrian Government or Turkish forces and their affiliated armed groups.

Meanwhile, pending any agreements between various international and regional actors that may result in the transfer of territory in the north and west of Syria, it appears that the Government of Syria is concentrating its efforts on retaking areas that remain under the control of armed groups in southern Syria like in Sweida and Dar'a as well as securing more territory in Aleppo Governorate further away from the city of Aleppo itself.

In the meantime, civilians located in areas controlled by armed groups remain extremely vulnerable, particularly those in north-western Syria. In areas now under the control of Turkish forces and affiliated armed groups, OHCHR previously documented violations and abuses both by ISIL as well as by Kurdish forces. ISIL abuses have been well documented by OHCHR, including murder, torture, kidnapping, gender-based violence, destruction of property, destruction of places of religious or cultural significance, and other crimes. OHCHR also documented violations and abuses committed by Kurdish forces, including deprivations of liberty, torture and other cruel treatment, and targeting of individuals whom they perceive as critical of their policies and conduct in areas under their control.

The assumption of control of areas by Turkish forces and affiliated armed groups has further subjected civilians to violations and abuses of their human rights. As noted, civilians continue to suffer from lack of access to basic humanitarian services, displacement, the direct and indirect effects of armed violence, harassment, kidnappings,

disappearances and other discriminatory policies, as well as high levels of criminality.

Given the fact that large areas remain under the control of the SDF and other Kurdish forces, failing a political agreement between international and regional actors and the Government of Syria on the transfer of these areas, future conflict between Turkish forces and/or affiliated armed groups and the SDF or other Kurdish forces remains a real possibility – with attendant impact and risks for civilians living in these areas.

V. Recommendations

As a matter of priority, OHCHR urges the Republic of Turkey to ensure that all armed groups over which it exercises control in Afrin and other areas of Syria strictly adhere to their obligations under international humanitarian law. Furthermore, OHCHR urges all parties to strictly adhere to all applicable rules of IHL in relation to the protection of civilians. This includes, but is not limited to the obligation to:

- a. Take all measures in their power to restore, and ensure, as far as possible, public order and safety;
- b. Ensure that displaced persons are facilitated in returning to their homes in dignity and safety and in full compliance with humanitarian principles;
- c. To the fullest extent of the means available, ensure and facilitate access by civilians to essential life sustaining services, including food, water, shelter and medical services;

- d. Ensure hospital and medical services, including medical staff, are fully respected and protected and ensure, to the fullest extent of the means available, public health and hygiene;
- e. Agree and facilitate relief schemes by impartial humanitarian organizations for the consignment of foodstuffs, medical supplies and clothing, and facilitate them by all means at their disposal and facilitate access by civilians to such humanitarian relief.

Furthermore, all parties must comply with all applicable international human rights obligations in relation to persons residing in the territory over which Turkish military forces and affiliated armed groups exercise control, including but not limited to respecting and protecting the rights to life, liberty and security of person, freedom of movement, access to basic services (healthcare, education etc.), freedom of expression and opinion, and freedom of discrimination based on race, religion, political or other opinion.

For more information on the topics raised or for any further information concerning the human rights situation in Syria, please contact Abdelaziz Abdelaziz, OiC, Syria Country Office (aabdelaziz@ohchr.org).