

## I. EXECUTIVE SUMMARY

1. In this report, The Advocates for Human Rights and Syrians for Truth and Justice highlight human rights violations in Syria's northern Kurdish minority regions of Afrin, Tal Abyad, and Ras al-Ain. Since Turkey began supporting the Syrian National Army (SNA, a coalition of armed opposition forces in Syria) in northern Syria and occupying the Kurdish-majority regions of Afrin, Tal Abyad, and Ras al-Ain, the local population have suffered substantial human rights abuses including forced long-term displacement, looting and illegal property seizure, harassment, forced disappearances and arbitrary arrests, violent attacks, lack of access to drinking water, illegal transfer and detention in Turkey, and exploitation as foreign mercenaries abroad. The Syrian government has not met its burden under international law to stop these atrocities and has allowed the above-mentioned regions to fall under Turkish and SNA control.
2. In sum, this report recommends that Syria take immediate and effective steps to improve human rights conditions for people from the affected areas. These recommendations include that Syria:
  - Ratifies and abides by relevant human rights treaties;
  - Recognizes and respects property rights in occupied areas of Northern Syria;
  - Pushes for the disclosure of information on prisoners from Afrin and Northern Syria;
  - Releases detainees held in extralegal circumstances;
  - Protects Syrians from human rights violations by Turkish authorities;
  - Ensures the availability of clean water to residents of Northern Syria;
  - Protects Syrians living along the border from detention and prosecution within Turkey;
  - Ceases or causes to be ceased all mercenary recruitment of Syrians; and
  - Holds Turkey accountable under Syria's domestic laws, and available international venues and mechanisms, for Turkey's human rights and humanitarian law violations.

## II. BACKGROUND

3. In its 2016 Universal Periodic Review, Syria received a series of recommendations aimed at improving the quality of human rights protections for Syrians. This section reviews those recommendations and Syria's responses as relevant to the topics addressed in this report.

### A. 2016 Universal Periodic Review of the Syrian Arab Republic

#### 1. Access to Safe Drinking Water

##### **Status of Implementation: Accepted, Not Implemented**

4. Syria accepted Thailand's recommendation to take measures to ensure respect for the basic rights of the people, such as their rights to food and safe drinking water.<sup>1</sup> Syria has not implemented this recommendation.

2. *Forced Disappearances/Arbitrary Arrests*

**Status of Implementation: Partially Accepted, Not Implemented**

5. Syria accepted, with reservations, a recommendation to stop arbitrary detention and release all those previously unduly arrested or arbitrarily detained, especially women and children, as well as political detainees.<sup>2</sup>
6. Syria also accepted recommendations to regularly publish a list of all persons detained in places under Syrian control<sup>3</sup> or those who have died while in detention, along with information on the grounds for their detention, and to inform the families of the whereabouts of persons in detention facilities.<sup>4</sup>
7. Syria noted a recommendation to cease the practice of unlawful detention and to allow independent observers into detention facilities,<sup>5</sup> as well as a recommendation to ratify and accede to the ICPAPED and cooperate with the Working Group on Enforced or Involuntary Disappearances.<sup>6</sup>
8. Syria has not implemented these recommendations.

3. *Transfer of Syrian Citizens to Turkish Territories*

**Status of Implementation: Accepted, Not Implemented**

9. Syria accepted recommendations to take all necessary steps to stop unlawful detention and associated practices including torture and inhumane and degrading treatment.<sup>7</sup> These recommendations are relevant for holding Turkey and affiliated militias accountable for transfer and detention of Syrian nationals in Turkey. Syria has not implemented these recommendations.

4. *Protection of Civilians Living Under Turkish Occupation*

**Status of Implementation: Accepted, Not Implemented**

10. Syria accepted recommendations to protect civilians and civilian infrastructure, including the civilian population in the armed conflict, and to ensure accountability for violations of international human rights law and international humanitarian law.<sup>8</sup> Syria has not implemented these recommendations.

**B. Domestic Legal Framework**

11. Syria has international obligations under the 1989 Convention Against the Recruitment, Use, Financing, and Training of Mercenaries and The Geneva Conventions of 1949, especially Article 146 of Geneva Convention IV to prosecute those who perpetrate grave breaches of the Geneva Convention. However, the Syrian Penal Code within the domestic legal framework does not include war crimes nor crimes related to the recruitment, use, financing and training of mercenaries.

### **III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **Right or area 5.1. Constitutional & legislative framework**

12. In 2008, Syria acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries concurrently placing a reservation on Article 17, para. 1 (State Party dispute resolution process in the application of the Convention).<sup>9</sup> Under the convention, Syria must prohibit and criminalize the recruitment, financing, training, and use of mercenaries. It has yet to amend the Syrian Code of Criminal Procedure or the Penal Code to add the offenses of mercenarism, recruitment, financial and training of mercenaries.
13. The Constitution does not stipulate the supremacy of international law and obligations, such as ratified human rights conventions, over domestic law.<sup>10</sup> Moreover, Syrian domestic law does not expressly give national courts competence to apply international conventions' rules directly at the domestic level in the event of conflict between national laws and international obligations.

#### **Right or area 12.1. Right to life**

14. Turkish border guards (Gendarmerie) shoot and often kill individuals—both adults and children, including asylum seekers—attempting to cross the Turkish border illegally. Many individuals who attempt border crossings are beaten and tortured. Smuggling routes through the border wall are especially dangerous, as Gendarmerie directly target migrants with live bullets and detain and transfer migrants back to Idlib.<sup>11</sup> Shots have also been fired at people in rafts crossing the Orontes River in Turkey.<sup>12</sup> Individuals have been shot and killed by Turkish Gendarmerie while working or playing near the border.<sup>13</sup>

#### **Right or area 12.6. Conditions of detention**

15. Turkish forces and the Turkey-backed Syrian National Army (SNA) have arrested and transferred Syrian nationals from Syria to Hilvan prison in Şanlıurfa, Turkey. These Syrian nationals, both Arabs and Kurds, experience grim detention conditions, and photos released show evidence of ill-treatment including bruises, swelling, and cuts on their faces.<sup>14</sup>
16. In detention, civilians, primarily of Kurdish origin, have been beaten, tortured, denied food or water, and interrogated about their faith and ethnicity.<sup>15</sup> Yazidi women have reported being urged to convert to Islam during interrogation.<sup>16</sup>

#### **Right or area 13. Right to liberty and security**

17. Syrian authorities' failure to protect fundamental rights has permitted Turkish forces to violate the rights of civilians living in Afrin, Tal-Abyad, and Ras al-Ain regions with impunity.
18. Violent armed clashes between SNA-affiliated groups have resulted in civilian casualties and damaged civilian homes.<sup>17</sup> As of February 2021, armed groups involved in the dispute over territories include the al-Jabha al-Shamiya/Levan Front, the Ahrar al-Sharqiya (Free Men of the East), Osoud al-Shrqiya (Lions of the East), the al-Hamzat Division, the Sultan Murad Division, Faylaq al-Rahman/al-Rahman Legion.<sup>18</sup>
19. SNA and its affiliates engage in enforced disappearances and arbitrary arrests.<sup>19</sup>

#### **Right or area 13.2. Enforced disappearances**

20. In Afrin, Tal Abyad and Ras al-Ain, SNA and its affiliates have disappeared individuals since October 2019. Between January and February 2021, the SNA-operated Military Police and the Hamza division disappeared 98 individuals.<sup>20</sup> In September 2020, 60 individuals, including women, were detained and disappeared.<sup>21</sup> The location and fate of 8 women detained since 28 May 2020 is unknown, and they are believed to have been removed to Turkey.<sup>22</sup>

#### **Right or area 13.3. Arbitrary arrest and detention**

21. From October 2019 through 2021, the Military Police arrested various individuals, including children, in Syrian districts including Afrin, Rajo, Shaykh al-Hadid, Jindires, Bulbul, and Sharran, and witnesses confirm that the arrests were arbitrary and without due process.<sup>23</sup> Some individuals remain in detention. For still others, there are no clear records indicating their whereabouts after arrest.<sup>24</sup>
22. In September 2019, 127 Syrians were arrested by the Military and Civilian Police, as well as various branches of the SNA, primarily those who served in the Self-Defence Forces of the Autonomous Administration.<sup>25</sup>
23. Between October and December 2019, at least 63 Syrian nationals (Arabs and Kurds) were arrested and transferred from northeast Syria to what is believed to be a Hilvan T-type prison in Şanlıurfa, Turkey to face trial on serious charges under the Turkish penal code that could lead to a life sentence without parole.<sup>26</sup> In September 2020, at least 116 persons were detained or disappeared,<sup>27</sup> and in January and February 2021, 144 arrests were reported.<sup>28</sup>
24. These practices are persistent. Documentation obtained by non-governmental organizations, including Human Rights Watch, suggests that the actual number of Syrians illegally transferred to Turkey could be close to 200. The UN continues to investigate the details of control over these unlawful practices by various entities, including the SNA brigades and Turkish forces.<sup>29</sup>
25. The SNA has contacted families of detainees by phone and via public channels to ask for payment in return for release, with "fees" of up to 10,000 USD paid by a single family.<sup>30</sup> Family members are unable to contact detainees if the family does not have a registered phone number in Turkey, leading to some families being denied contact for a year. Some detainees have signed documents waiving their right to contact their families.<sup>31</sup> In most cases, civilians are denied access to legal counsel, and in some cases Turkish officials have interrogated them either prior to, or while in detention.<sup>32</sup>

#### **Right or area 14.2. Freedom of thought, conscience and religion**

26. Yazidis have been systematically compelled to convert to Islam.<sup>33</sup> There has been at least one report of a person being urged to convert during interrogation while detained by SNA forces.<sup>34</sup>
27. Minority groups, including Yazidis and Kurds throughout Syria, particularly in Northern Syria, are experiencing the demolition and confiscation of religious sites of significant religious and cultural value. From January 2020 to December 2021, there were reports of at least 12 separate instances of desecration of cemeteries and religious by Syrian regular forces, Turkish forces, and SNA and affiliated armed groups.<sup>35</sup> In April 2020 in Afrin, several Yazidi shrines and graveyards were looted and partially destroyed.<sup>36</sup>

#### **Right or area 15.1. Administration of justice & fair trial**

28. In the Turkish occupied regions of Syria, local Syrians are being prosecuted under Turkish laws. Syrians have been subject to new laws, especially criminal laws, in the occupied territories. They also face illegal transfers from occupied territories and trials in Turkish courts under Turkish laws.<sup>37</sup>
29. Syrian nationals arrested in Syria in late 2019 and transferred to prison in Şanlıurfa, Turkey face trial on serious charges under the Turkish penal code that could lead to a life sentence without parole.<sup>38</sup>
30. In these cases, the largely pro-forma indictments allege that the detained individuals are fighters with the People's Protection Units (YPG) with all but ten individuals allegedly members of or linked with the Democratic Union Party (PYD) that formed part of the Kurdish Self-Administration.<sup>39</sup> In October 2020, Şanlıurfa courts sentenced five individuals to life without parole.<sup>40</sup> Supporting documentation for the indictments states the individuals are engaged in "actions to fully or partially bring state territory under a foreign state's hegemony or to undermine the independence of the state or its unity or territorial integrity," "membership of a terrorist organization," and "intentional killing." Turkish law sets the sentence for undermining the unity and territorial integrity of the state as life in prison without parole. Membership in a terrorist organization carries a sentence of five to ten years. Evidence suggests that the scope and applicability of Turkish laws have been misrepresented or withheld to the detriment of detainees, such as the scope of the "effective repentance law" which lessens sentencing in return for information from detainees. The "effective repentance law" does not extend to the crime of undermining the unity and territorial integrity of the state. Although the indictments cite Şanlıurfa as the location of the arrest and alleged crime, supporting documentation states that the individuals' alleged activities took place only in Syria and that the arrest took place in Syria and then resulted in transfer to Turkey.<sup>41</sup>

#### **Right or area 17. Rights related to name, identity, nationality**

31. The Syrian government no longer operates its institutions in the areas occupied by Turkey. As such, courts and registries have been moved from Afrin to Aleppo, Ras al-Ain to al-Hasakah, and Tell Abyad to As-Sabkha.<sup>42</sup> Civilians in these occupied regions are either unable or must undergo extreme adversity to seek these locations to access courts and registries for official documentation to establish nationality through lineage based on Syrian citizenship laws. The lack of Civil Registries and Courts disrupts their ability to document births and marriages and establish nationality through lineage.

32. Meanwhile, Turkey has established a parallel Civil Registry issuing identification cards aimed at erasing native and displaced identities to implement its demographic change policies.<sup>43</sup> In these documents, officials reportedly register false, misleading, or missing information instead of the true nationality and identity of Kurdish and displaced people in the Afrin area and other areas held by Turkish-backed forces.<sup>44</sup> The Turkish government utilizes local councils, affiliated with the Syrian Interim Government and the National Coalition for Syrian Revolutionary and Opposition Forces, to carry out these Registries. The cards do not identify persons as displaced or as refugees and all are registered as natives of the places in which they are currently located in the occupied territory.<sup>45</sup> Civilians who refuse to accept such falsified identification are systematically denied relief, medical services, economic activities such as real estate transactions and work permits, and access to education for their children.<sup>46</sup>

#### **Right or area 19. Rights related to marriage & family**

33. Under the Syrian Law of Personal Status, widows and families of the deceased require legal means to prove the death of a relative or spouse via Death Statements.<sup>47</sup> These official documents allow for remarriage and determination of heirship. Within the Syrian documentation systems, Death Statements must be issued by Civil Registries. Yet thousands lack access to Civil Registries.<sup>48</sup> Further, the systemic falsification or outright denial of Death Statements to families of the deceased who have died at the hands of the Syrian government and military has denied survivors access to the estate.<sup>49</sup> The Syrian government, by denying and falsifying Death Statements, obscures the true cause of death, systematically concealing human rights violations in prisons and extrajudicial killings, particularly of Kurds and suspected opposition members.<sup>50</sup> Thousands of families are denied assets to maintain their livelihoods, exacerbating the economic crisis in the region.<sup>51</sup>

#### **Right or area 21. Economic, social & cultural rights – general measures of implementation**

34. As outlined above, the Syrian government imposes barriers to civilians enjoying access to economic, social, and cultural rights. Women are denied equal access to these rights when they are denied their husbands' Death Statements. Relatives of the deceased are denied economic and cultural inheritance rights. Kurds, minority groups, and IDPs face discrimination in accessing resources, property, and their identity and nationality.<sup>52</sup> And thousands of families in Turkish-occupied regions are denied access to adequate food, clothing, and housing. Land and property seizures also hinder their ability to continuously improve their living conditions. These and other deprivations of economic, social, and cultural rights are widespread in Turkish-occupied regions of Northern Syria, and the Syrian government has not made adequate or measurable steps to remedy these rights violations.

#### **Right or area 22.1. Right to an adequate standard of living – general**

35. Authorities have violated property rights of many Syrian landowners and farmers, including indigenous populations.<sup>53</sup>

36. In Aleppo province, the Turkish army has wrongfully seized and maintained Syrian homes and agricultural property against the will of the rightful owners.<sup>54</sup> Turkish forces controlled by the military faction Hayat Tahrir al-Sham (HTS) maintain posts at eleven locations throughout the province.<sup>55</sup> Landowners have described improper deprivation of land as well as vandalism and destruction of private property.<sup>56</sup>

### **Right or area 22.2. Right to food**

37. In Ras al-Ayn/Serê Kaniyê and Tal Abyad, six of the main armed groups under the SNA have engaged in crop theft from many Syrians, including the indigenous population.<sup>57</sup> Confiscated crops including wheat, barley, and corn, which were harvested from early April to late May.<sup>58</sup> Many farmers and landowners were coerced into signing and executing sale contracts or abandoning their land and equipment, resulting in the ouster of many from their land.<sup>59</sup> In addition, dozens of Syrians attested to Turkish forces looting crops from over 15,000 dunums planted across sixteen towns in Ras al-Ayn/Serê Kaniyê, leaving hundreds of Syrians without food sources.<sup>60</sup>

### **Right or area 22.3. Right to adequate housing**

38. In Northern Syria, the SNA is taking housing from Kurds and other Syrians and repurposing it to resettle SNA and Turkish organizations.<sup>61</sup> To compel Kurds to turn their properties over to the SNA, officials use methods such as threats, extortion, murder, abduction, torture, and detention.<sup>62</sup> Moreover, the SNA and Turkish-backed groups are conducting extensive looting campaigns throughout Afrin and neighboring regions, and they are selling looted property through systematic, organized channels.<sup>63</sup>
39. The Syrian government has done nothing to protect people's property rights against these illegal takings. This inaction has left thousands of Syrians in Afrin and neighboring regions without adequate housing and without compensation for their former homes and property.<sup>64</sup>

### **Right or area 22.6. Human rights & drinking water and sanitation**

40. In October 2019, during the Turkish offensive in Northeast Syria, Turkish forces and their affiliates, including the SNA, seized control of the Aluk pumping station, after bombs had rendered it inoperable.<sup>65</sup> The station is a primary source of water, covering the drinking water needs of over 800,000 people in northeast Syria, especially the residents of the city of al-Hasaka, the town of Tell Tamer, and their suburbs, including a number of IDP camps which receive water via tanker trunks.<sup>66</sup> After briefly allowing continued use of the station, the SNA turned off the station on 24 February 2020 without explanation. A series of disruptions to the water supply followed. In March 2020, UNICEF, Human Rights Watch, and a collection of Syrian organizations issued condemnations of this weaponization of water access.<sup>67</sup> The SNA has periodically shut off access since, including during July and August 2020, when one such shutdown left Al-Hasakah without water for 22 days.<sup>68</sup>
41. These interruptions are viewed as a pressure tactic to force Kurdish-led authorities to supply electricity from the al-Mabroukeh electricity station to areas under the control of divisions affiliated with Turkish forces.<sup>69</sup>
42. The Syrian Government has failed to provide alternative solutions to ensure sustained and reliable access to clean water.

### **Right or area 25. Right to education**

43. Over a decade of conflict has ravaged the Syrian education system, affecting millions of children across the country.<sup>70</sup> Even where the education system has remained, indigenous and other minority groups are denied the right to learn in their own languages.

44. Residents of displacement camps lack access to education. Internally displaced people report they have no schools or access to education for their children.<sup>71</sup>
45. In the western countryside of Aleppo province, the Turkish army has taken over Syrian school facilities, interrupting education by establishing military posts of over 500 soldiers in at least four schools.<sup>72</sup> One Batabo school teacher confirmed that approximately 760 elementary students had been deprived of their education and faced restricted access to the school building, which was serving as a military post.<sup>73</sup> Despite repeated efforts by school personnel to retrieve school supplies and furniture to continue classes elsewhere, Turkish forces denied access.<sup>74</sup> Many students have had to travel to neighboring villages to attend severely overcrowded schools.
46. After the Turkish-backed Operation Olive Branch in Afrin on 18 March 2018, the erasure of the Kurdish language has intensified as officials have denied indigenous children the right to learn in their mother tongue. In the Turkish occupied areas of Syrian territories, local councils of the Ministry of Local Administration in the Syrian Interim Government replaced the Kurdish curricula with Turkish and Arabic, despite the overwhelming percentage of Kurds in the region.<sup>75</sup> The new curricula include disproportionate emphasis on Islamic religious education, threatening students' cultural identity.<sup>76</sup> The Syrian government has failed to provide remedies in the occupied regions, IDP camps, and for indigenous and minority education.

#### **Right or area 27. Cultural rights**

47. Authorities are facilitating the erosion of cultural diversity throughout Syria through systematic language erasure, destruction of cultural sites, and forced Turkish language acquisition in the occupied areas.<sup>77</sup>
48. After Operation Olive Branch, all statements, reports, and decisions are now issued only in Arabic and Turkish, with none in Kurdish. Traffic signs and other institutional signs have been changed from Kurdish to Arabic or Turkish, and many other official certificates and licenses are printed only in the two languages.<sup>78</sup>
49. As described in paragraph 26 above, religious sites and cemeteries have been targeted in attacks on minority groups.<sup>79</sup>

#### **Right or area 28.1. Business & human rights**

50. Unchecked recruitment of Syrians by foreign powers has led to significant numbers of Syrians dying in battles fought abroad. Private security companies engage in large-scale recruiting in Northern Syria. Russian-backed Wagner Group, in collusion with the Syrian government, recruited over 3,000 Syrians as mercenaries to transfer to Libya, where they participate in security operations and in direct combat.<sup>80</sup> These Syrians are typically hired for three-month contracts and are transported privately by Damascus-based Cham Wings Airlines, paid for by the Wagner Group.<sup>81</sup>
51. Once in Libya, Syrian fighters face withheld wages, underpayment, denial of promised citizenship benefits, and compelled labor beyond the contractual term.<sup>82</sup> There are many reports from Libya that the commanders of Syrian combat divisions (including the Hamza/Hamzat Division, the Sultan Murad Division, the Sultan Muhammad al-Fateh Brigade, the Suleiman Shah Brigade/al Amshat, and the Mu'tasim Division) are outright stealing Syrian recruits' wages.<sup>83</sup> Other reports describe wage garnishing, underpayment, or payment in Turkish Lira instead of the agreed upon US dollar.<sup>84</sup> These

fighters are thereby working without pay and for extended periods against their will. The SNA and Turkish groups who recruited these fighters are thus engaged in slavery and trafficking of Syrians.

52. Wagner Group has been variously described as a private military company, a paramilitary group, or a semi-State security force.<sup>85</sup> Russian leadership has denied any connection to the group, and the lack of transparency allows many of its actions to go under-reported.<sup>86</sup> The Syrian government does not engage in oversight over the group's human rights violations, thereby allowing such violations to continue unchecked.
53. Turkey and Turkish-backed groups in occupied Northern Syria also continue to recruit mercenaries. Out of a total of 2,580 Syrians recruited by Turkey in 2020 to serve alongside Azerbaijani forces in the military conflict with Armenia over the disputed region of Nagorno-Karabakh (also known as Artsakh), there have been 293 confirmed deaths.<sup>87</sup>
54. The standard of living across Syria limits options for an entire generation of young Syrians and drives Syrians to seek dangerous career options such as mercenary work.<sup>88</sup> Armed militia groups take advantage of extreme poverty by promising young Syrians compensation for fighting.<sup>89</sup> The fighters are often the breadwinners of the family, and therefore exploitation and wage theft often harm the fighter's family.<sup>90</sup> Officials eject families from IDP camps due to the fighter's status.<sup>91</sup>
55. The Syrian government has not acted to stop this recruitment by Turkey.

#### **Right or area 30.3. Children: protection against exploitation**

56. See right or area 30.5.

#### **Right or area 30.5. Children in armed conflicts**

57. The SNA and Turkey routinely recruit children from Afrin and neighboring Northern Syria to fight as mercenaries in Libya. Reports confirm that some of these children are as young as 14 years old.<sup>92</sup> Children, especially from disadvantaged socioeconomic backgrounds, are especially vulnerable to exploitation and trafficking in this context.<sup>93 94</sup> Recruiters solicit children by plying them with cigarettes, playing up prospects of financial return, and downplaying the time commitment and dangers associated with fighting.<sup>95</sup> Many children do not have another option and are thus compelled to enlist either of their own accord or under pressure from desperate relatives.
58. In Libya, these child mercenaries are routinely forced to engage in direct battle. Eyewitnesses describe children being injured or killed during active fighting.<sup>96</sup> One adult in an active combat division in Tripoli stated that "there are at least five children in my group, it is very clear that they are physically children."<sup>97</sup>
59. As of March 2021, almost 200 children were stranded at a military camp in Tripoli.<sup>98</sup> Reports from inside the military camp detail that many of the children held at the camp are critically injured.<sup>99</sup> Of the uninjured children, many continue to perform mercenary duties such as security and direct combat operations.<sup>100</sup>
60. In May 2019, the Ministry of Defense of the Syrian Interim Government, a political arm connected to the SNA, claimed that the SNA had stopped enlisting or accepting child volunteers as mercenaries to fight in Libya and other areas.<sup>101</sup> Firsthand reports from fighters on the ground in Libya dispute the accuracy of this claim. As of February 2021,

many fighters continue to see Syrian children deployed in Libya.<sup>102</sup> Moreover, this statement from the Ministry of Defense concedes that child recruitment was taking place prior to May 2019. There is no evidence that Syrian or other authorities have held accountable the recruiters or planners of such child recruitment.

### **Right or area 33. Indigenous peoples**

61. See right or areas 25, 27, 30.5.

### **Right or area 35. Refugees & internally displaced persons (IDPs)**

62. Since 2019, the human rights violations, violence, and instability in the Afrin, Tal-Abyad and Ras al-Ain regions have forced thousands of civilians to flee, causing them to become internally displaced.<sup>103</sup> Moreover, the Syrian government and Turkish-led groups have also blocked Syrians from fleeing violence in areas of Syria.
63. As of October 2019, close to a half-million people had already been displaced by hostilities in Northwest Syria, with predicted new hostilities displacing hundreds of thousands more.<sup>104</sup>

## **IV. RECOMMENDATIONS**

64. This stakeholder report suggests the following recommendations for the Government of Syria:

- Adhere to its obligations under the 1989 Convention Against the Recruitment, Use, Financing and Training of Mercenaries.
- Amend the Syrian Penal Code to align with the 1989 Convention Against the Recruitment, Use, Financing and Training of Mercenaries, including adding offenses of mercenarism and recruitment, financing and training of mercenaries to the legislation.
- Amend the Syrian Penal Code to include appropriate penalties for mercenarism and recruitment, financing, and training of mercenaries.
- Amend the Syrian Penal Code to include appropriate penalties for war crimes in line with the Geneva Conventions.
- Amend the Syrian Constitution to establish the supremacy of international law and obligations over domestic law, including those set forth in human rights conventions to which Syria is a party. Enact laws recognizing that national courts are competent to apply the conventions directly at the domestic level in the event of a conflict between national laws and international obligations.
- Ensure the safe and voluntary return of all Syrian minors who have been deployed as mercenaries in foreign conflicts.
- Ensure that all Syrian mercenaries are withdrawn from foreign conflicts.
- Bring criminal charges against members of any armed group or private or political entity that has recruited or transported groups or individuals, including children, to fight as mercenaries in Libya or elsewhere.
- Condemn the recruitment of Syrian children for any security or conflict activities within Syria or abroad; Criminalize, prosecute, and prevent such activity on Syrian territory.

- Expel the private military company Wagner Group and any other entities and private companies involved in recruiting, training, and using mercenaries in Syria.
- Immediately cease participation or collusion with any private group participating in hostilities in Libya or elsewhere.
- Within the next 6 months, make public any contracts it has with military support services, including details on the nature of the services, the procurement procedures, the length of service, compensation provided for in the contracts, and the names of service providers.
- Investigate, prosecute, and sanction alleged violations of international humanitarian law and human rights violations by mercenary recruiters and related actors from Turkey and the SNA, as well as by the Syrian official army or any affiliated armed group or entity.
- Investigate, prosecute, and sanction alleged violations of international humanitarian law and human rights abuses by mercenary recruiters and related actors from Russia and any entities and private companies involved in recruitment, training, and use of mercenaries, such as the Wagner Group.
- Demand that Turkey and the Syrian National Army return real and personal property seized from all civilians, especially members of the Kurdish minority, in Northern Syria.
- Demand that Turkey immediately cease ongoing demographic changes against the local population in those areas under its control, and enable the safe return of all forcibly displaced people with compensation for their destroyed or damaged property.
- Protect Syrian residents from transfer from occupied areas to detention and prosecution in Turkey by Turkish forces and Turkish-backed forces. Ensure that all Syrian detainees in Turkish custody be repatriated to Syria. In that regard, open an investigation into allegations of violations of international humanitarian law.
- Adopt a law to nullify all title transfers of real property in occupied territories—Afrin, Tell Abyad and Ras al-Ayn/ Serê Kaniyê—including all decisions of local councils and courts located in those areas, and place the burden of proof on any party seeking to uphold such transfers.
- Immediately cease all looting of civilian property, including religious sites, and ensure proper return of such property to its rightful owners. Hold offenders accountable.
- Form a neutral, independent, and non-partisan Syrian national committee to study and propose an effective and functional plan to eliminate the “Arab Belt” project and to mitigate all its consequences.
- Investigate water shortages caused by the disabling of Aluk pumping station by Turkey and its affiliated groups, and take all appropriate measures on the national and international levels to ensure water access in all communities formerly served by the station.
- Demand that Turkey and the SNA disclose information about the fate of disappeared persons of Syrian nationality, including Kurds.
- Issue Death Statements for any Syrians who died anywhere, including in Syrian or Turkish prisons, and ensure that such statements include accurate information about the cause of death and the context in which the death took place.

- Establish binding procedures to ensure that any person detained on Syrian territory has is informed of the reason for their detention and that detention authorities maintain accurate and transparent records about every detention.
- Immediately halt all activities leading to enforced disappearances, accede without reservation to the International Convention for the Protection of All Persons from Enforced Disappearance, and implement the convention fully under national law.

<sup>1</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 109.120 (“Take measures to ensure respect for the basic rights of the people, such as their rights to food and safe drinking water, as well as welfare, such as health care, during times of conflict” (Thailand)).

<sup>2</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 110.22 (“Immediately free unconditionally all persons arbitrarily detained by the Syrian authorities, as a priority women, children and older persons” (France)); see also *id.* ¶ 110.23 (“Release the thousands of Syrians unlawfully detained, especially women and children” (United Kingdom of Great Britain and Northern Ireland)); *id.* ¶ 109.169 (“Respect international obligations, release all political detainees, immediately stop the use of all kinds of inhumane or degrading treatment, including torture, grant relevant international organizations, such as ICRC, access to all detention facilities and inform the families of detained or deceased persons of their whereabouts and mental and physical state” (Sweden)).

<sup>3</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 109.175 (“Publish a list of all detainees in places under its control, together with information on the grounds for their detention” (Brazil)).

<sup>4</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 109.174 (“Inform families about the whereabouts of persons in detention facilities and regularly publish lists of detainees who have died in detention facilities operated by the Government and militias affiliated with it” (Austria)).

<sup>5</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 109.161 (“Cease the unacceptable practices of unlawful detention and torture, allow in independent observers and immediately release all prisoners of conscience” (Australia)).

<sup>6</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 109.7 (“Ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance . . .” (Sierra Leone)); *id.* ¶ 109.82 (“Cooperate with the Working Group on Enforced or Involuntary Disappearances” (Belgium)).

<sup>7</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 109.156 (“Put an end to the practice of torture, inhumane and degrading treatment in detention facilities and sexual violence, especially against women and children” (Spain)).

<sup>8</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, (December 27, 2016), U.N. Doc. A/HRC/34/5. ¶ 109.99 (“Protect civilians and civilian infrastructure, in accordance with international humanitarian law and customary international law, and stop its indiscriminate aerial bombardments, including the use of barrel bombs” (Sweden)); *id.* ¶ 109.101 (“Take all measures to protect civilians, especially women and children, and cease the use of explosive weapons in populated areas” (Botswana)); *id.* ¶ 109.103 (“Protect the civilian population in the armed conflict, with particular emphasis on the rights to life, food, education and health, including through the protection of the medical impartiality, and ensure accountability for all cases of violations and abuses of international human rights law and international humanitarian law” (Czechia)).

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<sup>11</sup> “Casualties on the Syrian Border Continue to Fall by the Turkish Gendarmerie”, STJ, 23 January 2020, available at <https://stj-sy.org/en/casualties-on-the-syrian-border-continue-to-fall-by-the-turkish-gendarmerie/>; see also “Idlib: Two Children, One Young Man Shot Dead by Border Guards in Early 2021”, STJ, 24 March 2021, available at <https://stj-sy.org/en/two-children-one-young-man-shot-dead-by-turkish-border-guards-in-early-2021/>.

<sup>12</sup> “Casualties on the Syrian Border Continue to Fall by the Turkish Gendarmerie”, STJ, 23 January 2020, available at <https://stj-sy.org/en/casualties-on-the-syrian-border-continue-to-fall-by-the-turkish-gendarmerie/>.

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<sup>14</sup> “Illegal Transfers of Syrians to Turkey”, Human Rights Watch (“HRW”), 3 February 2021, available at <https://www.hrw.org/news/2021/02/03/illegal-transfers-syrians-turkey>.

<sup>15</sup> “Report of the Independent International Commission of Inquiry on the Syrian Arab Republic”, United Nations, General Assembly, A/HRC/45/31, 14 August 2020, available at <https://undocs.org/A/HRC/45/31>, page 12.

<sup>16</sup> *Id.*

<sup>17</sup> “Afrin: Clashes between Jaysh al-Islam and al-Jabha al-Shamiya lead to civilian deaths”, STJ, 24 February 2021, available at <https://stj-sy.org/en/afrin-clashes-between-jaysh-al-islam-and-al-jabha-al-shamiya-lead-to-civilian-deaths/>.

<sup>18</sup> *Id.*

<sup>19</sup> “Report of the Independent International Commission of Inquiry on the Syrian Arab Republic”, UN Human Rights Council, A/HRC/45/31, 14 August 2020, available at <https://undocs.org/A/HRC/45/31>, page 13.; *see also*

“Syria: 144 Arrests in Afrin During January and February 2021”, STJ, March 2021, available at <https://stj-sy.org/wp-content/uploads/2021/03/144-Arrests-in-Afrin-During-January-and-February-2021-1.pdf>; *see also* “Afrin: 116 Persons Arrested and Disappeared in September 2020, despite UN Commission of Inquiry on Syria’s Demands for Halting Violations”, STJ, 26 October 2020, available at <https://stj-sy.org/en/afrin-116-persons-arrested-and-disappeared-in-september-2020-despite-un-commission-of-inquiry-on-syrias-demands-for-halting-violations/>; *see also*

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<sup>40</sup> *Id.*

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<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> “‘Filled with hatred and a lust for blood’: Turkey’s proxy army in northern Syria accused of abusing civilians”, Washington Post, 10 November 2019, available at [https://www.washingtonpost.com/world/middle\\_east/filled-with-hatred-and-a-lust-for-blood-turkeys-proxy-army-in-northern-syria-accused-of-abusing-civilians/2019/11/09/345e2fd6-0175-11ea-8341-cc3dce52e7de\\_story.html](https://www.washingtonpost.com/world/middle_east/filled-with-hatred-and-a-lust-for-blood-turkeys-proxy-army-in-northern-syria-accused-of-abusing-civilians/2019/11/09/345e2fd6-0175-11ea-8341-cc3dce52e7de_story.html).

<sup>104</sup> *Id.*