

Housing, Land, and Property Rights Violations in Afrîn After 2018

A Research Report



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Cover Photo

The statue of Kawa al-Haddad in Afrin,
Syria, March 18, 2018.

REUTERS/Khalil Ashawi

Table of Contents

1. Executive Summary.....	04
2. Methodology	07
3. The Legal Description of Türkiye’s Presence in Afrin	09
4. Patterns of Housing, Land, and Property Rights Violations in Afrin.....	13
a. Attacking, destroying property of civilians not participants in hostilities	13
b. Arbitrary seizure and loot of civilian property.....	20
c. The seizure and loot of agricultural lands, crops, and livestock	28
d. Failure to provide effective judicial, administrative, or implementing solutions to protect or redress victims.	39
5. Legal Qualification of Property Rights Violations and Entailed Liability ...	48
a. HLP rights violations in light of international law	48
b. HLP rights violations in light of Syrian Law.....	52
6. Conclusion and Recommendations	55



1. Executive Summary


Taking over the Kurdish-majority Afrin District following the 2018 Operation Olive Branch, Turkish-backed Syrian armed opposition groups committed various patterns of human rights violations against the original inhabitants of the area.

According to the periodic reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, these violations are continued with impunity.

The most notable reported violations were those related to housing, lands, and property (HLP) rights. Given the seriousness of these violations and their short and long-term grave consequences, PÊL – Civil Waves thoroughly prepared this research to shed light on HLP rights violations and analyze them based on verified information and testimonies. PÊL heard accounts of 90 displaced Kurds and Yazidis, 60 men and 30 women, whose properties were seized or destroyed by members of Syrian rebel groups or the Turkish Army in control of the area.

Witnesses testified to recurrent systematic and widespread ethnic-based property rights violations against civilians who did not take part in any fighting. The violations included arbitrary seizure, destruction, and looting of civilian homes, businesses, and agricultural land with its crops and livestock; the violators did not stop there.


They turned the landowners into day laborers.



That said, witnesses' accounts reflected the de facto powers' inaction towards these violations and their disregard for the victims. In turn, the victims do not dare to claim their rights, given intimidation by Türkiye-backed opposition militias or civilians linked with them in light of the state of lawlessness in the region. In addition, no judicial, administrative, or implementing solutions are available to protect or redress the victims. Notably, trespassing on the properties of civilians, mainly the Kurds and Yazidis, combined with arrests, beating, and threats, led to mass displacements among the original population, which has contributed to a serious demographic change in the area.

Witnesses were able to name the responsible factions/violators for the reported HLP rights violation in **47** cases as follows:

Al-Hamzat Division (10 cases), Tajammu Ahrar Al-Sharqiya (7 cases); Al-Jabha Al-Shamiya (six cases); The Turkish Army (five cases); Ahrar Al-Sham Movement (three cases); The Military Police (three cases); Al-Sultan Suleiman Shah Division (3 cases); The Syrian National Army (two cases), Faylaq Al-Sham (two cases); Al-Sultan Murad Brigad (two cases); Al-Shaitat (one case); Suqour Al-Shamal Brigade (one case); The Mu'tasim Division (one case); Hama Revolutionaries Brigade (one case). However, witnesses reported the remaining **56 cases** could not identify



perpetrators of the violations but confirmed them being “**mercenaries**” or members of the “**Free Syrian Army**” affiliated with “**Turkish forces**”.

The research report briefs (90) face-to-face interviews PÊL conducted with victims of property rights violations or with their families. More broadly, this paper will shed light on the arbitrary rule of the Turkish Army and its allies, Syrian rebels, over Afrin and their ongoing human rights violations and abuses against the original population of the region in general and the Kurds in particular.

PÊL sees this report as complementing the efforts of several local and international human rights entities in documenting the violations in Afrin since the launch of Operation Olive Branch five years ago. The previous reports in this regard were unanimous that the violations in Afrin were widespread and systematic and committed on an ethnic, religious, and political basis. According to the reports, the violations included seizing and looting property, as well as forcing the civilians out of their homes and villages by means of threats, force, arrest, kidnapping, torture, and sometimes even murder.



2. Methodology

For the purpose of this research dedicated to documenting violations of housing, lands and property rights in the Türkiye-held Afrin and surroundings, PÊL analyzed (90) physical interviews conducted between June 2022 and December 2023 by our researchers in northeastern Syria with people displaced forcibly from Afrin. The witnesses provided PÊL with original and verified ownership documents of their alleged expropriated properties, the locations of these properties on Google Maps, hand drawings for their houses, and the sources of information telling what has become of their lost properties which they no longer visit in Afrin.

During the initial planning of this project, PÊL involved an advisory committee consisting of a group of victims of property and housing rights violations from Afrin and briefed them on its expected results and the recommendations it would provide. Notably, the identity of most of the witnesses who testified for this report will be concealed at their request. However, some agreed to share their identity and testimonies with certain entities, including the UN Commission of Inquiry on Syria, the International, Impartial, and Independent Mechanism (IIIM), certain Special Rapporteurs, as well as local and international organizations.

HLP rights violations in Afrin Region by Sub-district

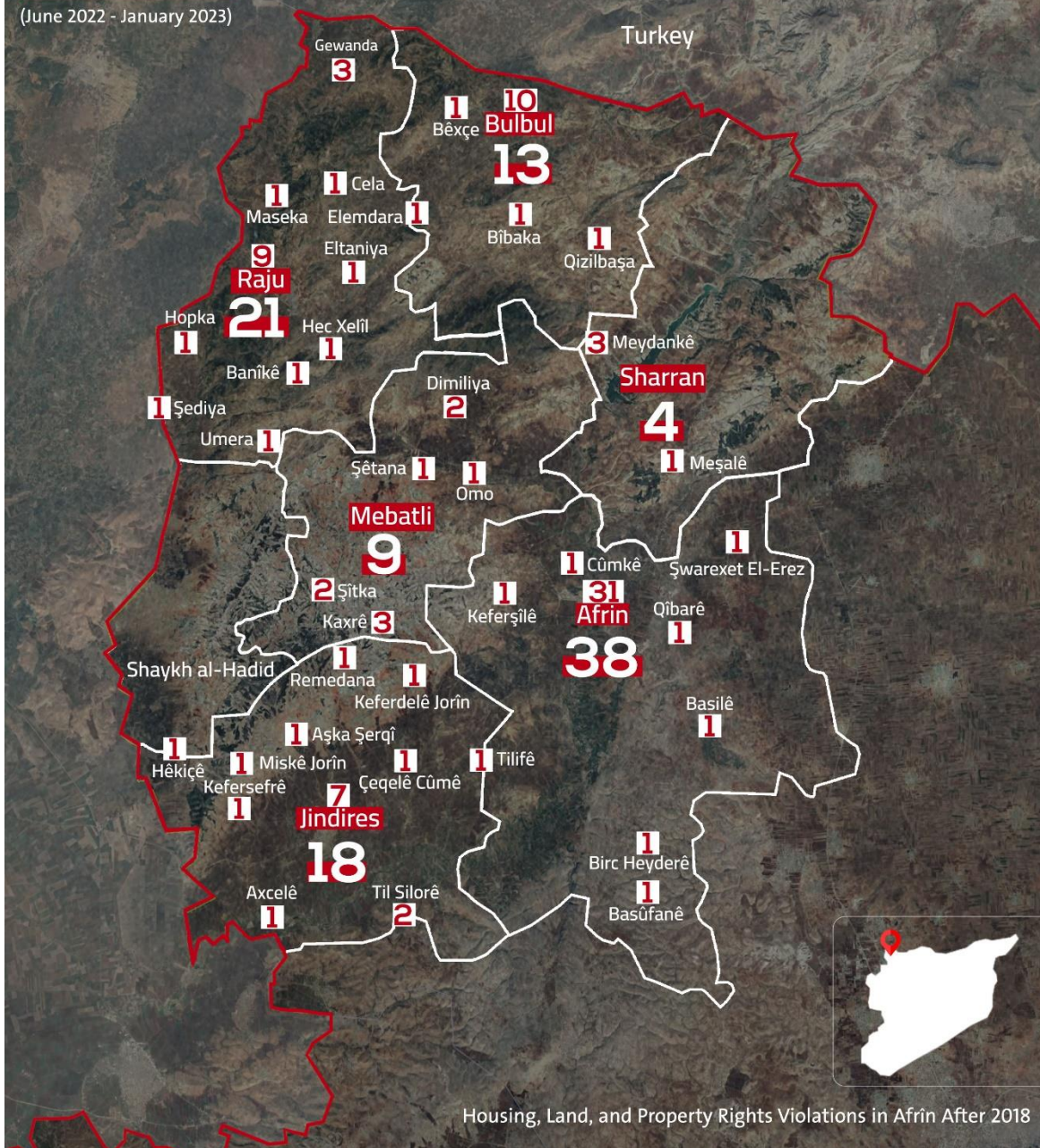


recorded cases 103

Based on 90 personal interviews with witnesses

30 women - 60 men

(June 2022 - January 2023)



Housing, Land, and Property Rights Violations in Afrin After 2018


Infographic (1)

3. The Legal Description of Türkiye's Presence in Afrin

The applicable international law to armed conflicts states, "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised", (Article 42 of the 1907 Hague Regulations concerning the Laws and Customs of War on Land). We conclude from this that according to international law, there are three legal elements required to determine the existence of an occupation,

- First, the victim state's lack of consent to the presence of foreign forces over all or part of its territory.
- Second, the foreign forces' ability to exercise de facto political power on that territory rather than local sovereignty.
- Third, the inability of local sovereignty to exercise its authority over that territory.


Therefore, the definition of occupation, as set forth in Article 42 of the Hague Regulations, does not rely on a subjective perception of the prevailing situation by the parties to the armed conflict but on an objective determination based on a territory's de facto submission to the authority of hostile foreign armed forces.



This definition of ‘occupation’ is widely accepted internationally and the most common in the legal community; it was adopted by; the U.S. Military Tribunal in Nuremberg during the so-called Hostages Trial, the International Court of Justice (ICJ) in the case of the Democratic Republic of the Congo v. Uganda, and by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the case of Naletilic.

The act of ‘occupation’ is not limited to the aggressor state’s direct military intervention into the victim State, but it also covers the aggressor’s use of proxies to violate another state’s sovereignty or control part or all of its territory. Common Article II to the four 1949 Geneva Conventions, gives a definition of international armed conflict that triggers the application of humanitarian law. The Article states, “The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.”


In September 2018, the Independent International Commission of Inquiry on the Syrian Arab Republic published a report, in which it said: “Türkiye launched a cross-border operation into Afrin.”... “The Government of the Syrian Arab Republic condemned the operation as an act of aggression, a flagrant attack against the territorial integrity of the Syrian Arab Republic.”... “Once the capture of the Afrin



district was declared, the general administration underwent significant changes at both the district and village levels. Residents described life under new authorities, pointing out the creation of new governance structures, with Turkish forces and affiliated armed groups replacing local self-administration with new local councils. New judges were also appointed; witnesses noted that the judges received salaries in Turkish liras paid by Türkiye.”

Accordingly, Türkiye’s presence in Afrin and its surroundings is considered an ‘occupation’ according to international law. The conflict is classified as an international armed conflict, where all the rules of international law are applicable. Furthermore, customary legal principles binding on States, armed groups, and individuals involved are also applicable in such a conflict. Thus, as an occupation power, Türkiye is obliged to respect and fulfill all the terms of the said agreements as well as those of other international agreements, to which it is a party. This shall be in all circumstances, as stipulated in Common Article I of the four Geneva Conventions.

That said, Türkiye is legally obligated to respect not only its international contractual and customary obligations related to armed conflicts but also all international human rights treaties applicable in both peace and war, in and out of its territories. Türkiye shall act in conformity with international law, especially in



dealing with the civilians under its de facto control and with their properties; it must refrain from taking any steps that could further escalate the violence and exacerbate the already tense situation in the region.

4. Patterns of Housing, Land, and Property Rights Violations in Afrin


Upon analyzing the obtained testimonies, PÊL detected recurrent HLP rights patterns of violations, which were conducted in a widespread and systematic manner and on discriminatory grounds, to name a few,

a. Attacking, destroying property of civilians not participants in hostilities

Many witnesses PÊL interviewed confirmed the destruction or damage of civilian homes and properties by indiscriminate airstrikes and rocket attacks on Afrin during Operation Olive Branch. The witnesses reported **18 cases** of fully or partially damaged houses belonging to the witnesses themselves or their relatives or neighbors. The international law of armed conflict requires all parties to the conflict to distinguish between combatants and civilians on the one hand and between military and civilian objects on the other. Furthermore, International law of armed conflict considers acts of targeting civilians and civilian objects as a violation of international humanitarian law (IHL) and may amount to war crimes.

A witness, who asked to remain anonymous, testified to PÊL during a personal interview conducted in al-Hasakah in December 2022,

“ On 21 January 2018, a Turkish jet fired seven consecutive missiles at our house, turning it into rubble. The house is located in the middle of Tall Sallour/Til slorê



village to the south of the mosque, and it used to have a large farm. The bombardments tore my sister to pieces while her son miraculously survived. However, that was not enough for the Turkish forces; after they entered the village, they burned the house's rubble! I do not know why they did so, but I suggest they thought the house was a military headquarters because of its large area and the view it has over the village. Actually, Türkiye considers all the population of Afrin as combatants; it never sees us as civilians.”

Also, in al-Hasakah, PÊL personally interviewed a witness (he asked to conceal his name) from Jindires in September 2022. The witness confirmed that he used to live in a duplex “Arabic” house with a 570 square meters courtyard. The house's ground floor consisted of three rooms with a kitchen and a bathroom, and the first floor consisted of one room with a kitchen and a bathroom. The witness used to live in this house with three families of his relatives; however, five or six days after the Turkish invasion, they all fled to Afrin, where they stayed until 17 March 2018. The witness narrated,

“ I worked as a reinforcing ironworker in Jindires, Afrin, until Türkiye and allies invaded us. My house was bombed on 10 February 2018, about 20 days after the invasion started. Eight shells hit the house causing it huge damage; the roof




collapsed except for one room, and almost all of its contents were ruined. That house was all we had. ”

The witness' house was seized after being bombed, the witness explained,

“ The house was seized shortly after the Syrian National Army entered Jindires. A Türkiye-backed armed group, which I could not identify, took over the house and looted its undamaged contents. Afterward, members of the group placed sandbags on the remaining part of the roof and turned the house into a military headquarters. ”



Image 1- The witness' house in Jindires (September interview).




PÊL interviewed in person a witness in al-Hasakah in December 2023. The witness, (who asked to conceal her name) said that she used to with her family in Medanki/Meydankê village, and they had 200 olive trees in several plots and 50 grape vines. The witness recounted

“ We fled hostilities in our village, Medanki/Meydankê, about a week before the Nowruz Celebration. The Turkish jets hammered our house. A neighbor told me recently that Turkish bulldozers removed the rubble of the house. As for the olive trees and the grape vines, I learned that the Free Army took over them, but I do not know which faction of it. I tried to reach out to a relative to ask her if the trees were cut, but she told me not to contact her on the phone. ”

In December 2022 in al-Hasskah, PÊL interviewed “Rojin Jammo” a witness from the al-Ashrafiyah neighborhood in Afrin. She narrated,

“ On 15 March 2018, I was displaced with my children, mother-in-law, uncle, and brother-in-law from Afrin after the bombings intensified on the city and its surroundings and as the Turkish forces approached it; we feared being arrested or killed since we are Yazidis. ”

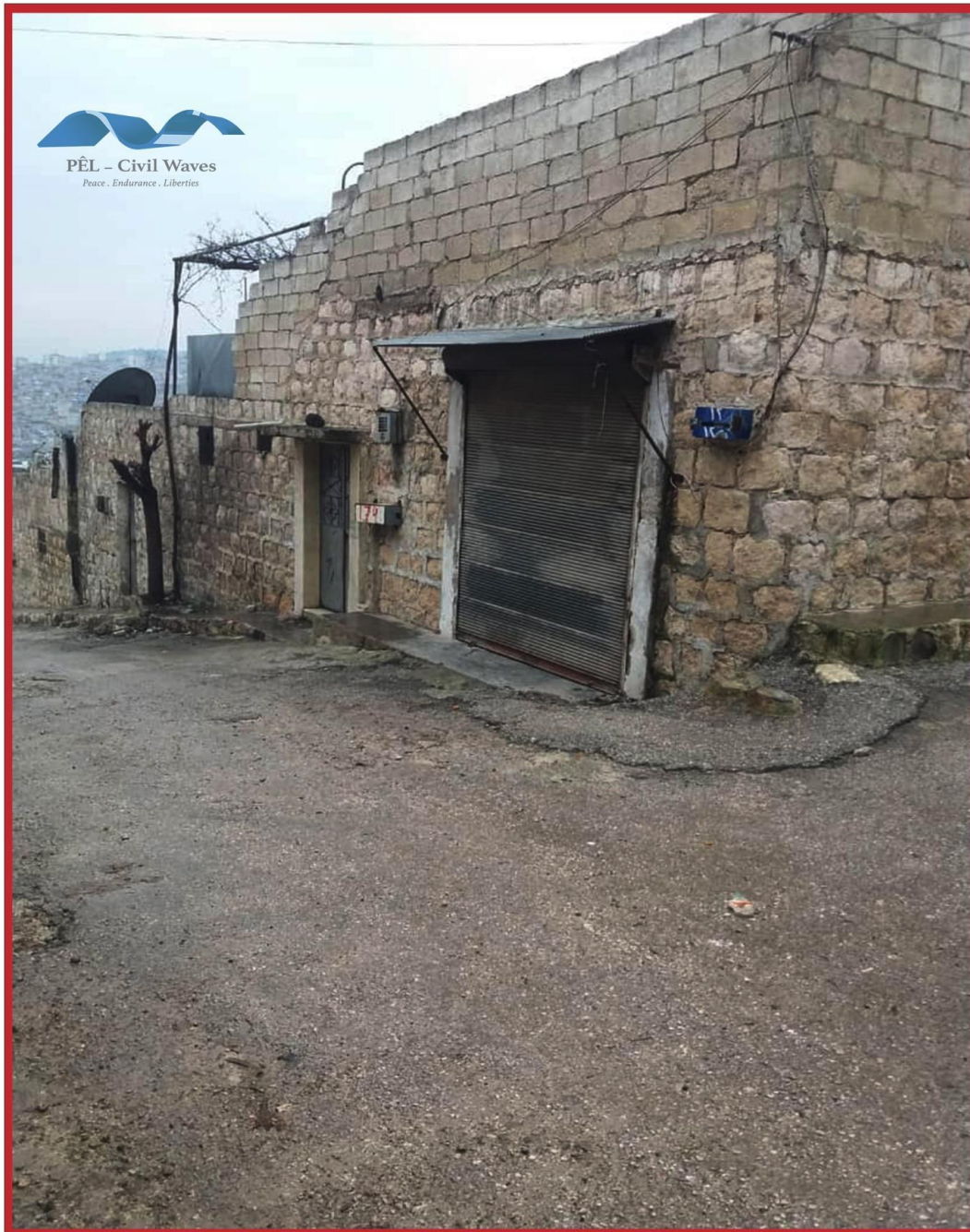
On 20 March, militias seized and looted many properties belongs to her family, including the house in which the witness lived in the al-Ashrafiyah neighborhood



– the house is “Arabic” and has four rooms – as well as a grocery shop attached to it. Moreover, militias seized agricultural lands in early May containing 100 olive trees in al-Foulath Valley near Qibar/Qîbar village. A car is all what was left of these properties; and her father in law drove it out of Afrin.

We asked the witness if she could identify the perpetrators, and she answered,

“ I think those who seized the house and the shop in Afrin were members of the Türkiye-affiliated Military Police in Afrin, and those who seized the agricultural land were members of the faction in control of Qibar/Qîbar village. ”




Images 2- Rojen's house and shop in al-Ashrafiyah.

b. Arbitrary seizure and loot of civilian property

The testimonies analysis conducted by PÊL showed that the loot and seizure of civilian houses, cars, and agricultural machinery were among the most common violations committed in Afrin. PÊL documented the seizure of 124 residential houses, 47 real estates, and businesses, 13 private cars, 9 tractors and other agricultural machinery, 20 motorcycles, and 10 industrial factories machineries. Those to blame for these seizures were the Turkish Army and affiliated Syrian armed groups who partook in Operation Olive Branch.

Idris Mustafa (real name), a displaced from al-Ashrafiyah neighborhood in Afrin, spoke to PÊL in a personal interview conducted in al-Hasakah in September 2022 about the seizure of his entire property saying,


“ I was displaced from Afrin towards Qamishli/Qamishlo on 16 March 2018, after Türkiye and allied armed groups took over the city. After 20 days, I learned from a neighbor that members of an armed group, most likely the Sultan Murad Division, broke the door of my house and went in. They searched the house for weapons under the pretext that I had links with the Autonomous Administration. A week after this incident, a family from rural Aleppo took over my house and my brother’s, next to mine, as the neighbor told me. ”



Idris told PÊL that his seized house is an “Arabic” house of 110 square meters, consists of two rooms and a hall, and has an attached shop. Idris also confirmed the seizure of his agricultural land, which has 60 olive trees, located in Masha’alah/Meşale village of Sharran district near the Cemetery of Hannan, the greatest gravesite in Afrin.

Concerning the seizure of his land, Idris said:

“ I have no idea what happened to the land. When in 2018, my relatives, who remained in Afrin, accompanied by the mayor/mukhtar of the village went to check on the land, they were beaten and arrested by the Sultan Suleiman Shah, which was then in control of Masha’alah/Meşale. The Faction did not release them until it was sure that they came just to check on the land and not to reap the olive harvest. ”




Amina Hesso (real name), one of the witnesses PÊL interviewed personally in al-Hasakah in November 2022 spoke about seizing her house, agricultural land with 150 olive trees, and two motorcycles in Rajo district. Amina explained,

“After I left my house, a family from Eastern Ghouta stayed in it. Then, many families occupied it successively; I do not know who is living in it now. As for my agricultural land, neighbors told me that an unidentified armed faction seized it and is reaping the olive harvest annually depriving me of my livelihood. I authorized a relative to tend on my olive land and harvest its crop but the faction rejected this authorization.”



Image 3– A satellite image of Amina’s house, according to the witness.




The witness Samira Mustafa (real name), whom PÊL interviewed personally in Qamishli/Qamishlo in November 2022, testified about the al-Hamzat Division looting and destroying some of her house's contents, including identity documents. That was after Turkish-backed armed opposition groups entered the Rajo district, where her house lies.

Samira narrated,

“After the al-Hamzat Division captured Haj Khalil village of the Rajo district, the contents of my house were looted, including electrical appliances, a power generator, and four gas cylinders. Then they removed the furniture, burned it, and tore all our official documents, including the family book, passport, and son's military booklet. Moreover, the same Division seized my son's house and car. My house is currently occupied by members of the Division, who turned it into a brothel as I learned from neighbors, who advised me to return, so the Division members would leave my house, but I dare not. ”

Samira added,

“When my brother-in-law returned to the village, members of al-Hamzat Division arrested him and took him around the village, forcing him to name each house's



owner. During this walk, my brother-in-law saw members of the Division collecting the looted items, including refrigerators, washing machines, gas cylinders, and blankets, at Alouti's house to sell them. Ironically enough, locals who returned to the village bought their stolen items from the Division since they did not dare to claim them. ”

Another witness from Rajo, testified PÊL in November 2022 that one of the armed factions active in the area her house in Rajo, looted it, and turned it into a military headquarters. The witness said,

“ My house consists of two rooms, a basement, and balconies. It is surrounded by land with 300 almond trees, grape vines, and a water well. Members of an unidentified armed faction took over my house and settled in it with their families. Those members also cut more than 30 almond trees from the house's surroundings. ”

Housing, Land, and Property Rights Violations in Afrîn After 2018

Looting and destroying properties of civilians
not participants in hostilities cases

Looting cases



124

Residential houses



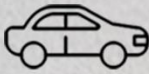
47

Real estates, and businesses



20

Motorcycles



13

Private cars



10

Industrial factories machineries



9

Tractors and other
agricultural machinery


Destroying cases




18

Houses

Based on **90** personal interviews with witnesses
(June 2022 - January 2023)

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Infographic (2)

c. The seizure and loot of agricultural lands, crops, and livestock

Many witnesses whom PÊL interviewed testified to a large-scale seizure and loot of agricultural land and illegal logging of fruit trees, such as olive trees, which are a main source of living for most of the area's population. PÊL documented the seizure of **37856** olive trees, **9340** fruit trees and grape vines, and **245** livestock, as well as the loot of **653** tanks of olive oil and **three tons** of laurel oil soap. Furthermore, testimonies obtained by PÊL reported the destruction of civilian objects that are not required by military necessity. In addition, the witnesses confirmed the cut and uproot of at least **2764** trees as well as the burn of **270** fruit trees belonging to the witnesses and their families.

In August 2022, PÊL interviewed the witness Amin Murad (real name) in person in al-Hasakah. Amin spoke about seizing his property after he fled his village, Shiteka/şîtka, in Maabatli/Ma'baţlî district in 2018. Amin narrated,

“The seized properties were; a house with all its furniture and a small land attached to it, 1,050 peach trees I owned jointly with my cousin, 500 olive trees extended between Mist Eşûra and Shiteka/şîtka villages, 100 grape vines, 55 cherry trees, 35 walnut trees, a plot on the road to Jindires, the wheat harvest of




2018, and a water well with its electric pump. That was accompanied by the destruction of the water pipes extended from the well to the nearby land. ”

Amin added,

“ The perpetrators removed the earth from the plot on the road to Jindires, sprayed it with concrete, and started to build a settlement on it. Moreover, they destroyed the pipes that draw water from the well and send it to the land. The perpetrators also cut down several walnut trees from the land attached to my house, removed its earth, and turned it into a stockyard for cattle. I learned that my house is occupied by two families; the father of the first family is a civilian lawyer from Eastern Ghouta and the father of the second is a fighter from rural Aleppo – I do not know to which faction he belongs. I do not know which faction is controlling the village; it may be the Sultan Murad Division. Actually, it does not matter; all factions in the area are bad. ”

Amin touched on the faction’s imposition of taxes on landowners saying,

“ I entrusted a relative who remains in the village to take care of my property. Doing this, he is facing many difficulties due to the lack of laws for property management and mechanisms for its protection. This is in addition to the tax




imposed on the absentee crops as much as 30% of their value, apart from the very high expenses of plowing and watering the land. ”

Amin’s account is consistent with the report of the Independent International Commission of Inquiry on the Syrian Arab Republic of 8 February 2022, which states, “Properties, including homes, schools, shops, and factories, in Afrin city continued to be occupied by Syrian National Army factions, particularly affecting displaced owners. While patterns of looting, pillage, occupation and confiscation of property, including through “taxes”, continued, particularly during the olive harvest season.”




Image 6- Amin Murad's land being turned into a settlement.



The witness Mahmoud Hawara (real name), a displaced from Bulbul district testified to PÊL through a personal interview conducted in December 2022 in al-Hasakah, on several violations of his property, including the seizure of his house in Bulbul as well as his agricultural land, which contained 150 olive trees. Mahmoud spoke about the destruction and the illegal logging of his land's olive trees and the confiscation of his tractor after he left his village on 17 March 2018. Mahmoud narrated,

“ I do not know exactly when the violations took place, but I think it was after 5 or 7 months of our displacement from Afrin in 2018. During this period, we received a photo of our house taken on the sly by relatives, who were on a visit to the village. Our village is under the control of the al-Hamzat Division. The latter did not allow the original inhabitants (the Kurds) to harvest their crops. A friend told us recently that members of the Division cut down and logged my trees, especially those on the main road. The trees are in a sorry state to the extent led my friend wished they were uprooted instead. I asked people who remain in the village to take care of my land, but they refused citing us being wanted, which would put them at risk of punishment. ”



On the current state of his real estate, Mahmoud said,


“ Two related families from Damascus occupied my house and my brother's, which are adjacent. Those families are of fighters from the al-Hamzat Division. Nothing changed in my house, except that the courtyard is now covered with insulating cloths. ”



Image 7- Mahmoud Hawara in his land.



Images 8 and 9- Satellite images of Mahmoud Hawara's land and house in Bulbul, according to the witness



The witness Ibrahim Ma'amou (real name), from Rajo, spoke to PÊL in a personal interview conducted in al-Hasakah in December 2023, about his seized property. According to Ibrahim the properties include, two houses in Banika/Banîkê village of Rajo district, a farmhouse consisting of three rooms and a hall as well as a four hectares orchard containing 1,300 fruit trees, a 255 square meters ground-floor apartment consisting of five rooms and a hall in Afrin near the cultural center, 1,200 olive trees in the land between Atmana and Banîkê villages, a motorcycle, and the contents of an electronics store in Rajo, valued at about \$5,000.

Ibrahim lamented,

“ All my property was seized and occupied by strangers. A fighter – I could not know to which faction he belongs – who hails from Tal al-Daman town, occupied my farmhouse. My Afrin apartment was taken by members of Tajammu Ahrar al-Sharqiya, and my houses in Banika/Banîkê were resided by families from Eastern Ghouta. I could not yet identify those seized the rest of my property ”



Image 10- A satellite image of Ibrahim's farmhouse in Rajo, according to the witness.

Housing, Land, and Property Rights Violations in Afrin After 2018

Looting and destroying properties of civilians
not participants in hostilities cases

Looting cases



37,856

Olive trees



9,340

Fruit trees and grape vines



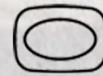
653

Tanks of olive oil



245

Livestock



3 tons

Laurel oil soap

Destroying cases



2,764

Fruit trees have been burned



270

Fruit trees have been cut down


Based on **90** personal interviews with witnesses
(June 2022 - January 2023)

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Infographic (3)



d. Failure to provide effective judicial, administrative, or implementing solutions to protect or redress victims

Only in one out of the 90 documented cases, the victim managed to regain his seized house. Victims of all the rest cases did not dare to claim their property for fear of being beaten, arrested, or insulted, as done to those who tried to do that before. The victims also believed that the existing judicial institutions are unreliable and ineffective. It is clear from the collected testimonies that Türkiye failed to fulfill its obligations as an occupying power in Afrin, including the protection of civilians and their property, and the prosecution of those perpetrating violations to prevent their recurrence. Neither Türkiye nor its affiliated actors have taken any action towards providing effective judicial, administrative, or implementing solutions to protect or redress victims of property rights violations; they even have not created the conditions for those victims' safe return.

A witness (who asked to conceal his name) said during an interview PÊL conducted with him personally in Qamishli/Qamishlo, in September 2022, that he fled his hometown towards al-Mahmudiyah neighborhood in Afrin and stayed there until November 2019. At that time, it had been about a year and a half since Operation Olive Branch started, during which acts of appropriation of the Kurds' property



were not reduced, and no legal mechanism to redress victims of property rights violations and account perpetrators was developed.

The witness testified to the seizure of his agricultural land with 150 olive trees on Jindires road, two unfinished adjacent apartments, a Honda pick-up car, 181 oil tanks, three tons of laurel oil soap, and woodworking tools from a carpentry shop valued at \$4,000. Members of the controlling armed factions are to blame for these seizures. The victim confirmed that his claims to restore his property encountered no response. In respect of seizing the carpentry shop contents, the witness explained,

“ Members of the al-Hamzat Division looted the oil tanks and the contents of the carpentry shop in front of my eyes. I asked my parents to make a claim against those members. Indeed my parents went to the Asayish center to file a complaint. However, it turned out that the Asayish members were accomplices to the loot; they shared the oil tanks with the Division before the eyes of my parents, and only returned 19 out of the 200 looted tanks to my father. Other than that, they did not return any of my seized property.”




The witness added,

“ When I tried to enter my village, Shiteka/şîtka, I was arrested and beaten by members of the al-Jabha al-Shamiya faction in control. The latter detained me with other young men and then released us under the pressure of a protest by the village’s women in front of the group’s headquarters. The same faction arrested my brother for 3 months on charges of performing the duty of self-defense (compulsory recruitment) under the former Autonomous Administration. The faction held my brother in the central prison of Maratah/Ma'arrātā until my father paid 300,000 Syrian Pounds (SP) in exchange for his release. ”

The witness Mawluda Mohammed (real name), also from al-Mahmudiyah, spoke to PÊL during a personal interview conducted in November 2022, about the seizure of her property including an apartment in al-Mahmudiyah neighborhood in Afrin with all its contents, and an agricultural land with 100 olive trees. Thuraya said,

“ I do not dare to file a complaint, and no one actually dares. All of those who complained before were beaten and threatened by the armed factions. Even, I cannot authorize anyone to file the claim on my behalf like my brother or a legal agent. ”




A witness (who asked not to be named, testified to PÊL during a personal interview conducted in Qamishli/Qamishlo in June 2022, that the Faylaq al-Sham seized and looted his house in Basufan/Bosoufane village in March 2022; three years after the formation of the Grievance Redress Committee in Afrin.

When asked about the reason for not claiming his property, the witness replied:

“ I did not enter Afrin for fear of my life. Some of those who tried to access the area were arrested and others even murdered. It is pointless to authorize someone to claim my seized property amid the absence of trustworthy and liable laws and institutions. The entire area is subject to the uncontrolled armed factions’ whims; they have the first and last word on every matter. ”



Image 11- A satellite image of the witness' land in in Basufan/Bosoufane village.




The witness Hosni Abdo (real name) confirmed to PÊL during a personal interview conducted in Qamishli/Qamishlo in November 2022 that the al-Hamzat Division seized and looted the house they were renting in al-Vellat Street in Afrin. Hosni added that he knew nothing about the house and agricultural land he owns in Jachur/Kaxrê since his mother's death and explained,

“ My mother died a year ago. Since then I do not know who lives in the house and who tends to my land and the olive trees. The village is under the control of al-Amshat Brigade and no one from my acquaintance, who remained there, dares to talk to me about my property's state. I never think of returning to Afrin; I fear of arrest. I did not file a complaint and did not authorize anyone because there is no reliable legal entity to whom we can submit complaints. ”



Image 10- A satellite image of Hosni Abdo's house in Jachur/Kaxrê, according to the witness.




All the witnesses interviewed reported that they did not dare to return nor claim their property for fear of arrest, nor can they authorize their relatives to do that on their behalf. They also confirmed that they could not communicate with their relatives or neighbors who remained in their hometowns for them being fear of punishment by the controlling factions.

Another witness (who asked to conceal his name) PÊL interviewed personally in al-Hasakah in November 2022, said that before Operation Olive Branch, he lived with his family in a second-floor house that he built himself, consisting of three rooms and a hall in al-Mahmudiyah neighborhood in Afrin. The witness lamented that this house was seized along with other property, including a business on 20th Street and a white Hyundai van No.862956. In early March, with the intensification of the bombing, the witness fled with his family toward al-Sahba Camps. However, after 45 days, he returned to check on his property and found his house and shop seized along with agricultural lands with olive trees belonging to his father and uncle in Kobekli/Göbekli village.

The witness said,

“In early April 2018, I entered Afrin to check on my property. I claimed my apartment and the armed faction promised to give it back to me. Nevertheless,



the faction then accused me of having links with the Autonomous Administration and thus arrested and beat me. I assured them I am a civilian working in a clothing store and do not have links with any military or political actor. The al-Hamzat Division, the al-Jabha al-Shamiya, and the Northern Democratic Brigade threatened me with death over my demand to restore my property. For the same reason, the al-Jabha al-Shamiya even arrested me for 33 days; after my release, I fled Afrin via a smuggling route and left everything behind.”


5. Legal Qualification of HLP Rights Violations and Entailed Liability

The arbitrary deprivation of individuals or groups of the right to property is prohibited in almost all local and international laws and customs. Furthermore, this act may amount to a war crime if committed in the context of an armed conflict and would be considered a crime against humanity if targeted civilians in a widespread and systematic manner in both peace and war.

a. HLP rights violations in light of international law

The violations described in the present paper were committed inside an occupied territory against civilians and civilian property, protected under the Fourth Geneva Convention of 1949. Thereby, these violations constitute clear breaches of international humanitarian law (IHL) and the Geneva Conventions and, in most cases, they amount to war crimes. Article 49 of the 1949 Fourth Geneva Convention obliges Türkiye, as an occupying power, to ensure the security and well-being of the civilian population in areas under its influence.

The obligations under this Article are not only “negative obligations”, preventing Türkiye from violating any of the rights of these civilians, but also positive duties to take all possible measures to prevent such violations, whether by its forces, institutions, or any entity affiliated with it or even by individuals.




In addition, Article 147 of the same Convention considers the acts of unlawful deportation or transfer, and the destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly as grave breaches of the Geneva Conventions. In the same vein, the convention states in Article 146 that contracting parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the Convention.

In addition to being a gross violation of the Geneva Conventions, destruction, and appropriation of property is considered a war crime according to Article 8 (2) (b) (13) of the 1988 Rome Statute of the International Criminal Court. This was reaffirmed in Rule 50 of the Customary International Humanitarian Law, binding on all States, groups, and individuals in international as well as non-international armed conflicts.

Regarding acts of property looting, Article 33 of the 1949 Fourth Geneva Convention considers states, “Pillage is prohibited. Reprisals against protected persons and their property are prohibited.”

This absolute prohibition of pillage and looting is also based on Articles 28 and 47 of the 1907 Hague Regulations concerning the Laws and Customs of War on Land.




These violations are also considered war crimes according to Article 6 (b) of the Charter of the International Military Tribunal (Nuremberg Charter), and Article 8 (2) (b) (16) of the 1988 Rome Statute.

Additionally, acts of pillage and looting are prohibited under Rule 50 of the Customary International Humanitarian Law, binding on all States, groups, and individuals in international as well as non-international armed conflicts.

With regard to the property rights of displaced persons, Article 46 of 1907 Hague Regulations concerning the Laws and Customs of War on Land states, “Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected; Private property cannot be confiscated.”


The need to respect the property rights of the displaced was also recognized in Rule 133 of the Customary International Humanitarian Law, binding on all States, groups, and individuals in international as well as non-international armed conflicts. All parties to the conflict must therefore respect this customary rule and should not invoke that they are not party to this or that convention. In fact, the issue of protecting the property rights of displaced persons during conflicts became the focus of international attention recently. This is because the non-fulfillment of



the person's property right affects his/her enjoyment of other basic human rights that most international treaties aim to protect and guarantee. The protection of property rights was among the central issues raised and addressed in the context of armed conflicts and peace processes in the former Yugoslavia, Afghanistan, Colombia, Cyprus, Georgia, and Mozambique. Most of these countries now consider the property right as a fundamental right that must be respected and its violation must be punishable by law. This reflects Principle 21 (2) of the Guiding Principles on Internal Displacement, which states, "The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

- (a) Pillage;
- (b) Direct or indiscriminate attacks or other acts of violence;
- (c) Being used to shield military operations or objectives;
- (d) Being made the object of reprisal; and
- (e) Being destroyed or appropriated as a form of collective punishment."

Protecting the property rights of refugees and displaced persons, victims of armed conflicts and wars is one of the most important foundations for ensuring their right




to a voluntary and safe return to their homes or their habitual places of residence, as set forth in Rule 132 of the Customary International Humanitarian Law.

Accordingly, the Turkish authorities must assume their full responsibilities to protect civilians and their property without any discrimination, and to respect the dignity of those civilians and their right to safe return. Türkiye also must facilitate the recovery of all their property, and compensate them for all violations they underwent by its forces or affiliated militias in the territories it occupied.

Additionally, Türkiye must initiate an impartial and in-depth investigation into property rights violations in order to identify perpetrators and hold them accountable. It is also necessary to put in place legal mechanisms to ensure that such violations will not be repeated or any reprisals will be taken against civilian victims and their families.

b. HLP rights violations in Light of Syrian Law

The seizures and demolitions that affected the real estate of the Syrian residents of the Afrin region are considered a violation of the Syrian legislation in force, foremost of which is the current 2012 Syrian Constitution, which is a cloned version



of that of 1973. Article 15 of the 2012 Constitution states, “Collective and individual private ownership shall be protected in accordance with the following basis:

1. General confiscation of funds shall be prohibited;
2. Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law;
3. Confiscation of private property shall not be imposed without a final court ruling;
4. Private property may be confiscated for necessities of war and disasters by a law and against fair compensation;
5. Compensation shall be equivalent to the real value of the property.”

“However, according to the testimonies heard for the purpose of this paper, the seizures that took place in the addressed area, were not against any compensation, neither fair nor unfair. What is more, the illegal occupation of victims’ houses is contrary to Articles 18, 19, and 33 of the 2012 current Syrian Constitution. These articles affirmed the full equality of all Syrian citizens and prohibited discrimination between them on any basis. The armed factions forcing owners and residents out of their homes and villages, through arbitrary arrest, torture, and intimidation, contradicts Article 38 (1) of the 2012 Constitution, which stipulates that “No citizen may be deported from the country, or prevented from returning to it.”

Housing, Land, and Property Rights Violations in Afrin After 2018

The parties responsible for the violations as identified by the witnesses



Al-Hamzat
Division
10
Cases



Tajammu
Ahrar Al-Sharqiya
7
Cases



Al-Jabha Al-Shamiya
6
Cases



The Turkish Army
5
Cases



Ahrar Al-Sham
Movement
3
Cases



The Military Police
3
Cases



Al-Sultan Suleiman
Shah Division
3
Cases



Faylaq Al-Sham
2
Cases



Sultan Murad Brigad
2
Cases



The Syrian National
Army
2
Cases



Al-Shaitat
1
Cases



Suqour Al-Shamal
Brigade
1
Cases



The Mu'tasim
Division
1
Cases



Hama Revolutionaries
Brigade
1
Cases

103 cases of violation

47 cases in which witnesses were able to name the responsible party

56 cases in which the witnesses were unable to determine the responsible party

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Infographic (4)



6. Conclusion and Recommendations

The continued violations and the policies adopted in the occupied territories – after Operation Olive Branch – constitute inappropriate conditions and an unsafe environment for the return of displaced civilians to their homes and property. The right of return is a basic human right that must be preserved, especially in times of war and conflict, in order to ensure the success of any peace or transitional justice process in a sustainable manner.

Key findings of the present paper included the fact that the violations committed in Operation Olive Branch area were widespread and systematic and aimed to force the original people, especially the Kurds, to displace them. This can have disastrous consequences; the clearest of which that testimony reflected is the demographic change, evidenced by preventing the displaced original people from returning and settling strangers in their houses.

As such, PÊL makes the recommendations below that may help cease property rights violations, mitigate their effects, and redress victims,



First, to the Independent International Commission of Inquiry on the Syrian Arab Republic and the United Nations

- To monitor and document human rights violations in Türkiye-held Syrian territory, especially those related to land, housing, and property rights
- To release thematic reports on land, housing, and property rights issues.

Second, to the United States of America and the European Union

- To consider Türkiye as an occupying power and pressure it to fulfill its due obligations.
- To support and empower local people, organizations, and victim advocacy groups working on the documentation of land, housing, and property rights violations in the addressed areas.
- To place armed groups, political bodies, and individuals, from all parties to the conflict, involved in these violations on the sanctions list and prosecute them.
- To hold accountable the Syrian National Coalition, as the political umbrella of the Syrian National Army which is primarily responsible for committing violations and displacing the civilian population, and ask it to end violations and actually allow a safe return for the original civilian population.




Third, to the National Coalition of Syrian Revolutionary and Opposition Forces and the Syrian Interim Government

- To exercise their powers effectively to stop armed groups from committing violations against civilians or their property and ensure real and fair accountability for perpetrators.
- To issue a decision that invalidates all sales and purchases concluded in the area since the onset of war, provided this decision remains in effect until a political agreement is reached. This agreement shall ensure the formation of an inclusive government, in accordance with Security Council Resolution No. 2254 of 2015, or any future UN Resolution that would complement this Resolution or replace it.

Fourth, to the Kurdish National Council

- To, at least, bear political and moral responsibility for the violations committed in Afrin, as an organ of the Syrian National Coalition. Arguing that the armed factions do not obey the Coalition's orders, does not negate the responsibility of the Coalition, including the Kurdish National Council, to at least follow up on these violations and work effectively to stop them. Therefore, the Kurdish National Council is required to assume its



responsibilities and take advantage of its being part of the Coalition in order to follow up on the violations, assist the victims in litigation in order to recover their seized property, and clearly condemn the perpetrators.


- To call on Türkiye, as an occupying power and a supporter of the Syrian opposition, to assume responsibility for stopping violations against the civilians and halt all policies of demographic change in the area.

Fifth, to the Autonomous Administration of North and East Syria

- To raise the victims' awareness about the importance and need of the documentation of HLP rights violations they were subjected to, by explaining how that will help them prove their ownership and thus restore their rights through legal means after the end of hostilities.
- To facilitate the return of original people and establish conditions essential for their return.
- To provide all possible assistance to the efforts documenting violations of land, housing, and property rights in its areas.

Sixth, to local and international human right organizations

- To pressure Türkiye into confessing its state of occupation in the addressed areas and other areas under its de facto control and thus assume its



responsibilities as an occupying power in protecting civilians and civilian property and ensuring the safe and dignified return of the original people who were forced out of their hometowns. Organizations shall also require Türkiye to ensure the right of these people to recover their property from the violators and ensure that perpetrators do not escape justice.

- To pressure the National Coalition of Syrian Revolutionary and Opposition Forces and the Syrian Interim Government to exercise their powers to prevent the armed factions, allegedly operating under them, from committing violations against civilians and civilian property; and to ensure true and fair accountability for the perpetrators.
- To issue a decision that invalidates all sales and purchases concluded in the area since the onset of war provided this decision remains in effect until a political agreement is reached. This agreement shall ensure the formation of an inclusive government, in accordance with Security Council Resolution No. 2254 of 2015, or any future UN Resolution that would complement this Resolution or replace it.



PÊL – Civil Waves

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About “PÊL”

PÊL- Civil Waves is an independent, non-governmental, and non-profit organization that works to strengthen the roles of women, youth, and forcibly displaced communities in Syria. Founded in 2013.

“PÊL” works in a diverse multi-ethnic, religious, social, and cultural community and believes that protecting and managing diversity and including all residents fairly guarantees sustainable peace. To this end, “PÊL” works to engage all citizens without prejudice or discrimination and at all levels. We believe that promoting community dialogue between individuals and different population groups and between them and local governance structures is essential in easing current tensions and establishing a more just future.

“PÊL” believes the ongoing conflict in Syria since 2011, associated with decades of bad policies, has affected the environment and created significant challenges that affect the lives of the population now and the country's future for decades to come. To this end, we promote awareness of environmental protection and the expansion of green spaces, monitoring ecological problems and their link to destabilizing social cohesion and developing solutions and alternatives to face these challenges.

“PÊL” focuses on victims of forced displacement. It seeks to strengthen the response to the housing, land, and property rights violations in Syria and enables the affected people to organize themselves and defend their cases. We believe that systematic and expanded legal and narrative documentation of land, housing, and property rights violations is essential in ensuring the dignified return of forcibly displaced and internally displaced persons to their areas of origin. Therefore, “PÊL” documents the testimonies and narrative stories of the victims of these violations and supports advocacy efforts and legal follow-up in this context.



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