

Statement regarding the *Peace Spring* Operation by Turkey in Northeast Syria

*Turkey's occupation of Syria in breach of international law calls for
investigation of state and individual responsibility*



On 9th October 2019, the government of Turkey informed the United Nations Security Council of the launching of the *Peace Spring Operation*, on the basis of Article 51 of the UN Charter.¹ Ever since, air strikes and artillery have displaced² nearly 200.000 including 70.000 children³, and killed more than 200 civilians.⁴

The launching of the operation itself is illegal. Absent any armed attack, and in the context of the implementation of a US-guaranteed security mechanism, Article 51 of the UN Charter and its right to self-defence, invoked by Turkey to start the operation, is inapplicable and could not be used to justify it. A breach of Article 51 by Turkey opens legal avenue for state responsibility and could lead to prosecutions against President Erdogan for the crime of aggression at the initiative of the UN Security Council.

Further, the conduction of the military operation is itself characterized by blatant violations of International Humanitarian Law. The war crimes committed by the Turkish army and its affiliated opposition armed groups have been documented by OHCHR and Amnesty International and include “summary executions carried out by fighters belonging to the Ahrar al-Sharqiya armed group, which is affiliated with Turkey, on 12 October”, “indiscriminate attacks in residential areas, including attacks on a home, a bakery and a school, carried out by Turkey and allied Syrian armed groups,” and the “summary killing in cold blood of a prominent Syrian-Kurdish female politician, Hevrin Khalaf, by members of Ahrar Al-Sharqiya.”⁵ These violations exceed the violations committed by Turkey and its affiliated opposition armed groups during the occupation of Afrin as part of the *Olive Branch*

¹ Letter dated 9 October 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council, S/2019/804, <https://undocs.org/S/2019/804>; *Kurdish-led health authority in northeast Syria says 218 civilians killed in Turkish offensive*, Reuters, 17 October 2019, <https://uk.reuters.com/article/uk-syria-security-turkey-casualties/kurdish-led-health-authority-in-northeast-syria-says-218-civilians-killed-in-turkish-offensive-idUKKBN1WW1A5>.

² "Military operation in northeast Syria could see unintentional release of ISIL affiliates: UN chief", UN News, October 14, 2019 (last visit: October 19, 2019) <https://news.un.org/en/story/2019/10/1049201>.

³ "Nearly 70,000 children displaced as violence escalates in northeast Syria", UNICEF, October 14, 2019 (last visit: October 19, 2019) <https://www.unicef.org/press-releases/nearly-70000-children-displaced-violence-escalates-northeast-syria>.

⁴ OCHA Syria | Flash Update #6, Humanitarian impact of the military operation in northeastern Syria 15 October 2019.

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ocha_syria_nes_flash_update_6_as_of_15_october_final.pdf.

⁵ UN High Commissioner for Human Rights, Press briefing note on Syria, 15 October 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25145&LangID=E&fbclid=IwAR3znXLO3piDbs2BxH-o2lg3G3ZocybJYdgbqmwdsODEbsMxq7WJ7ongQY>; *Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies*, Amnesty International, 18 October 2019, <https://www.amnesty.org/en/latest/news/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>.

operation, that had led, in 2018, to the forced displacement of 137.000 civilians, arbitrary arrests, property confiscation and looting of homes and businesses.⁶

All actors to the conflict and the ongoing negotiations have the responsibility to protect civilians and ensure human rights become the priority.

Recommendations:

1. **To Turkey:** immediately put an end to the occupation of Syria and withdraw from the Syrian territory;
2. **To the parties to the conflict:** ensure respect for International Humanitarian Law by all actors under their command and give access to local and international humanitarian assistance to victims;
3. **To the UN Security Council:** uphold the application of the UN Charter, and of the prohibition of the use of force, qualified by the International Court of Justice as a *cornerstone of the United Nations Charter*;
4. **To European countries:** welcome Syrian refugees instrumentalized by Turkey, in line with their democratic foundations and with the 1951 Refugee Convention they are signatories of; and investigate the identities of armed groups and individuals taking part in human rights violations in order to ensure accountability;
5. **To the Commission of Inquiry and the IIIM:** thoroughly investigate and document evidence of violations to International Humanitarian and Criminal Law committed by parties to the conflict and support the opening of cases by domestic jurisdictions on the basis of universal jurisdiction;
6. **To Human Rights organisations:** investigate Turkey's accountability for the violations to International Humanitarian Law perpetrated by opposition armed groups on behalf of Turkey and by its regular army;

⁶ UN OCHA, Afrin Displacement, Facts and Figures, Last updated: 18 April 2018
<https://reliefweb.int/sites/reliefweb.int/files/resources/Afrin%20Fact%20and%20figures%2018%20April.pdf>;
Syria: Turkish occupation of Afrin has led to widespread human rights violations - new findings, Amnesty International, 1 August 2018, <https://www.amnesty.org.uk/press-releases/syria-turkish-occupation-afrin-has-led-widespread-human-rights-violations-new>.



History

Syrians for Truth and Justice was conceived during the participation of its co-founder in the Middle-East Partnership Initiative (MEPI) Leaders for Democracy Fellowship program, who was driven by a will to contribute to Syria's future. Starting as a humble project to tell the stories of Syrians experiencing enforced disappearances and torture, it grew into an established organisation committed to unveiling human rights violations of all sorts.

Convinced that the diversity that has historically defined Syria is a wealth, our team of researchers and volunteers works with dedication at uncovering human rights violations committed in Syria, in order to promote inclusiveness and ensure that all Syrians are represented, and their rights fulfilled.

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