

December 10, 2019

سوريون
من أجل
الحقيقة
والعدالة
Syrians
For Truth
& Justice



© STJ

New Evidence Supporting the National Army's Accusations in the Murder of the Kurdish Politician Hevrin Khalaf

New Evidence Supporting the National Army's Accusations in the Murder of the Kurdish Politician Hevrin Khalaf

Failure to end war crimes by the National Army in Afrin paved the way for further abuses during the military operation in northeast Syria

1. Recommendations

To the Independent International Commission of Inquiry on the Syrian Arab Republic ([CoI](#)), the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 ([IIIM](#)) and the Office of the United Nations High Commissioner for Human Rights ([OHCHR](#)):

- **Ensure that the process of documentation of human rights violations they conduct addresses abuses committed by all parties to the conflict, especially in light of the invasion perpetrated by Turkey in Northeast Syria.**

To states and non-state actors funding opposition armed and political groups:

- **Ensure a tight monitoring of the entities receiving financial funding and weapons and prevent perpetrators of human rights violations from accessing these. While ensuring that these do not affect civilians, donors must establish and implement sanctions lists to prevent the funding of criminal activities, including executions of civilians and forced displacements.**

2. Legal framework: The challenge of state and non-state armed actors collaborations in the pursuit of justice

On 12 October 2019, the murder of Kurdish political leader Hevrin Khalaf and her driver in Northeast Syria by Ahrar al-Sharqiya armed group, affiliated to Turkey for its *Peace Spring Operation*, shocked observers of the region.¹ The murder of civilians in the context of a military operation raises a number of legal questions that will find answers in the upcoming years as cases open in domestic and international jurisdictions. The Commission of Inquiry already signalled that the conduct of armed groups could potentially constitute war crimes.² Contemplating prosecutions on the basis of war crimes offers a range of options for victims to receive justice. The application of the legal regime of international humanitarian law is however subject to an array of factors that could make their

¹ *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/>.

² 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=IwAR3znXL03piDbs2BxH-o2lg3G3ZocybJYdgbqmwdsODEbsMxq7WJ7ongQY>.

prosecution uncertain, especially when considering non-state actors participating in non-international armed conflict. One of these factors lies in the “intensity” criterion, conditioning the existence of an armed conflict not of an international character that could arguably be taking place as far as Syrian militias are concerned, and that relies on elements such as the “number, duration and intensity of individual confrontations; the type of weapons and other military equipment used; the number and calibre of munitions fired; the number of persons and type of forces.”³ This uncertainty obliges to explore other venues for justice. The object of this analysis thus takes another angle and aims at reflecting on the applicability of the qualification of crimes against humanity to the attack perpetrated. On the basis of the Rome Statute, an array of considerations guides this reflection. Its Article 7(1) provides that constitutes crimes against humanity a series of conduct:

committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

Article 7(2) continues:

‘Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

Although the ICC currently has no jurisdiction over the crimes perpetrated by parties in Syria, studying the Rome Statute and reflecting on the conduct perpetrated in Syria with regards to it is critical. First, international balance of powers are not static and a referral by the Security Council, that today appears unlikely, could, in the future, reveal plausible. Second, some domestic jurisdictions, including Sweden and Germany, both at the forefront of universal jurisdiction, have in some cases included in their national legislation provisions mirroring the ICC Rome Statute. Thus, reflecting on the ICC’s legal provisions and their application by the court provides observers with valuable insights for the future of justice.

Testing the qualification of crimes against humanity entails four preliminary questions:

- What is a state or organizational policy?
- What is an attack directed against any civilian population?
- When is an attack directed pursuant to or *in furtherance of a policy*?
- What is a widespread or systematic attack?

³ Prosecutor v Haradinaj, Case No. IT-04-84-84-T, 3 April 2008, para. 49

While the Rome Statute is fairly clear and has been interpreted by the International Criminal Court on a number of occasions, the structure established by Turkey and the armed groups it supports for the military operation that allegedly led to the murder of the political leader and her driver instils a level of uncertainty that could impede the application of international law.

I. Provisions of international law on crimes against humanity

A. State or organisational policy

Article 7(2)(a) provides that for an attack to be qualified as a crime against humanity, it must be conducted “pursuant to or in furtherance of a State or organizational policy”. The outcome of this criterion will dictate, in the case of Northeast Syria, the entirety of the applicable laws and must be addressed tediously.

Prior to the ICC, the ICTY and the SCSL, both of whose status did not require a policy, reflected on the necessity for a state to participate in the attack for a crime against humanity to be constituted. Both courts found that crimes against humanity could be perpetrated by non-state entities, and that these entities need not even be state-like. Instead, both applied a capacity-oriented approach, whereby an entity could be perpetrating crimes against humanity if it had the ability to conduct widespread or systematic attack.

The ICC later on settled on this question. Article 7(2) provides that crimes against humanity are constituted by an attack directed pursuant to or in furtherance of [an] organizational policy to commit such attack. Debates have stemmed to appreciate what could qualify as an organisation. A first interpretation given by Pre-Trial Chamber II in *Katanga*, found that:

The Chamber opines that the formal nature of a group and the level of its organization should not be the defining criterion. Instead, as others have convincingly put forward, a distinction should be drawn on whether a group has the capability to perform acts which infringe on basic human values.

The Chamber thus declined to consider the nature of the group or its organisational level, instead finding that, to determine whether a group was organized, the decisive criterion was the capability of the group to perform the acts infringing on basic human values. The decision was however not unanimous. In his dissenting opinion, Judge Kaul expressed his concern that too broad a conception of organization could lead to virtually any crime qualifying as crimes against humanity, and contended instead that crimes against humanity could only be committed on behalf of state-like entities.

Yet, the Trial Chamber, still in *Katanga*, later confirmed that:

the link of the term organization to the very existence of the attack, and not to the systematic or widespread character of it, supposes that the organization disposes of sufficient resources, means and capacities to allow the realization of a course of conduct or an operation involving the multiple commission of acts referred to in Article 7(2)(a) ICC Statute.

Since then, it has been admitted that an organisation could be the perpetrator of crimes against humanity if it had the capacity to conduct the attack. Therefore, both a state and a non-state entity can qualify as perpetrators of CAH.⁴

B. A course of conduct involving the multiple commission of acts directed against any civilian population

The qualification of CAH aims at targeting conduct that, by their character, do not constitute ordinary crimes or a “mere aggregate of random acts”, but instead shows a pattern, a certain “degree of planning, direction or organisation by a group or organisation”.⁵

C. An attack directed pursuant to or in furtherance of a policy

The ICC’s case law has provided a number of elements to interpret the requirement of a policy to conduct the attack. The court found, *inter alia*, that the policy can be inferred from different factors surrounding the commission of the crimes, and need not be formally adopted. It should also be understood distinctively from the systematic character of the attack. While the policy aims at eliminating or persecuting broadly a population, an attack would reveal systematic by involving repeated and planned actions. Additionally, while the requirement of a policy implies a leadership, this does not necessarily need be of high level.

⁴ Otto Triffterer and Kai Ambos, eds., *Rome Statute of the International Criminal Court: A Commentary*, Beck/Hart Publishing, 2016; Rodenhäuser Tilman, “Beyond State Crimes: Non-State Entities and Crimes against Humanity,” *Leiden Journal of International Law* 27, no. 4 (2014): 913–28, <https://doi.org/10.1017/S0922156514000417>.

⁵ Prosecutor v. Bemba, No. ICC-01/05-01/08-424, Confirmation Decision, Pre-Trial Chamber, 15 June 2009, https://www.icc-cpi.int/CourtRecords/CR2009_04528.PDF, para. 81; Prosecutor v. Gbagbo, No. ICC-02/11-01/11-656-Red, Decision on the Confirmation of Charges, Pre-Trial Chamber I, 12 June 2014, <http://www.legal-tools.org/doc/5b41bc/>, para. 209; Prosecutor v. Gbagbo, No. ICC-02/11-01/11-656-Red, Decision on the Confirmation of Charges, Pre-Trial Chamber I, 12 June 2014, <http://www.legal-tools.org/doc/5b41bc/> accessed 30 January 2015, para. 210.

The courts also determined that a thorough organisation or the following of a regular pattern were not needed, and that the state or the organisation need to have the capacity to first develop a policy and then implement it by actively promoting or encouraging the envisaged attack. Finally, the court found that a failure to act could be considered as a policy.⁶

D. A widespread or systematic attack

Only a widespread or systematic attack can qualify as a CAH. While a widespread attack will be characterized by its large scale and the number of persons targeted, it will be systematic if it can be demonstrated that the acts of violence are organised and with regards to the improbability of their random occurrence.⁷

II. The challenge of a state operation led by non-state actors

Attributed to Ahrar Al-Sharqiya, the murder of Hevrin Khalaf and her driver occurred as part of a military campaign launched by Turkey that led to the forced displacement of 200,000, and the murders of 218 civilians.⁸ Perpetrated as part of a state military operation, but by a non-state armed group, it shows a hybrid character that reveals the intricacy of operations conducted by states with the support of non-state actors. This characteristic will guide this study.

Deciding whether the attack was committed pursuant to Turkey's or Ahrar Al-Sharqiya's policy will inform all subsequent elements. To be sure, if the attack was found to be conducted pursuant to a state policy, further assessments should determine:

- whether there was indeed a policy;
- whether the state perpetrated multiple commission of acts; and
- whether the attack led by the state was widespread and systematic.

Conversely, if the attack was found to be implemented pursuant to a non-state actor's policy, a prosecution would have to show:

- whether there was indeed a policy;

⁶ Tilman, "Beyond State Crimes: Non-State Entities and Crimes against Humanity."

⁷ Tilman, Triffterer and Ambos, *Rome Statute of the International Criminal Court: A Commentary*.

⁸ *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/>

- whether the non-state group perpetrated multiple commission of acts; and
- whether the attack led by the group was widespread and systematic.

A. Implications of the entity on behalf of whom the policy of the attack against civilians was pursued

1. Implications on the requirement of multiple commission of acts

If the attack that killed the Kurdish political leader was found to be the *Peace Spring Operation*, subsequent requirements will be considered in the paradigm of the military operation. Thus, the requirement of multiple commission of acts directed against the population will be considered in light of the operation as a whole. Therefore, all conducts committed by armed groups following Turkey's policy, could possibly be considered to establish whether the requirement of a multiple commission of acts is fulfilled. Conversely, if it was found that the attack was conducted pursuant Ahrar Al-Sharqiya's or the Syrian National Army's policy, only those acts committed by the groups would be accounted for to establish a multiple commission.

2. Implications on the policy

In order to determine whether the attack was committed pursuant to or in furtherance of a policy, the investigation must determine whether the entity on behalf of whom the attack was admittedly perpetrated promoted or encouraged the attack against a civilian population.

If the attack was to be understood as the whole *Peace Spring operation*, and therefore pursuant to or in furtherance of a State policy, the qualification of crimes against humanity would rely on evidence that the state, including its armed forces, actively promoted or encouraged the attack. The ICC's Elements of Crimes also provide that "such a policy may, in exceptional circumstances, be implemented by a deliberate failure to take action, which is consciously aimed at encouraging such attack." This could be substantiated by the fact that Turkey resorted to the same armed groups that had already committed human rights violations including looting and arbitrary arrests in the Olive Branch Operation conducted one year before in Afrin, precluding Turkey from arguing they were not aware of the violence these groups could be drawn to commit.

If the attack against civilians was admitted to having been implemented on behalf of non-state actors, an assessment should determine whether the specific group to which the perpetrators are affiliated to, Ahrar Al-Sharqiya, was directing the attack, or whether the coalition of armed groups known as the Syrian National Coalition was. In both cases, the requirement of a policy to qualify the attack as a CAH would call for the evidence that the group was actively promoting or encouraging attacks against the population.

More, while the idea of a state following a non-state armed group's policy is arduous to consider, especially for a politically stable state like that of Turkey, non-state armed group conducting an attack pursuant to a state policy sounds debatable. In this case, Ahrar Al-Sharqiya could indeed argue that the group was following the state's policy, thus getting close to the status of mercenaries.

3. Implications on the requirement of a “systematic or widespread” attack

Should the attack be deemed that of Turkey, the qualification of crimes against humanity would require the demonstration that Turkish forces and non-state affiliated groups that took part in the *Peace Spring Operation* committed a systematic or widespread attack. Some preliminary elements, and specifically the toll of civilian victims, assessed at 218 in the days following the start of the operation, could suggest that the *Peace Spring Operation* could in and on itself consist in a widespread attack against civilians.⁹ The character systematic of the attack, assessed with regards to the organised nature of the acts of violence and the improbability of their random occurrence, could be substantiated by a variety of elements. Among them, the report by pro-government newspaper *Yeni Shafaq* of Hevrin's murder as a “successful operation” suggests that the murder of the political figure was not an accident but premeditated. The support granted by Turkey in weapons, training, funding and directions could also suggest that *Peace Spring Operation's* target at least included civilians as targets. The outcomes of the military operations, specifically with regards to the motives on the ground of which the operation was justified before the UN Security Council could also corroborate the character systematic of the attack. Indeed, while it could be argued that collateral victims are the necessary evil of a military operation that aims at ensuring the self-defence of the state, in the absence of any other outcome to

⁹ *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>

balance the toll of civilian victims, these no longer appear to be mere collateral damages, and resemble the target of the operation itself.

On the other hand, if it was admitted that the course of conducts object of an indictment was not Turkey's but Ahrar Al-Sharqiya or the Free Syrian Army's, the attack would be deemed crimes against humanity if it could be substantiated that the acts the group conducted were organised, that they had a plan to commit crimes, and the capacity to coordinate their perpetration.

B. Factors potentially dictating the organisation or state at the head of the attack

An array of factors will contribute to determine whose policy -if policy there was- was implemented in perpetrating the attack against civilians. Although it is not uncommon for the ICC to deal with crimes perpetrated by non-state armed groups with the support from state entities, as was the case of the Forces Patriotiques pour la libération du Congo who received support from Rwanda or the Lord's Resistance Army from Sudan, the context bears profound dissemblance here, the operation being that of Turkey, who declared it as a self-defence operation to the UNSC.

If it is admitted that the state of Turkey lead the operations, and terms such as "Turkish-back opposition groups" or "Turkish proxies" are commonly used, only a thorough investigation of the chain of command will reveal the hierarchy, and therefore the organisation of the operation. Some arguments in favour of a state policy include the fact that crucial elements such as the date of the launching of the operation or its area were decide by Turkey, or the numerous speeches given by President Erdoğan in support of the operation, while the fact that groups enjoyed a level of autonomy could indicate that the policy was theirs.

The policy could also inform the finding. If evidence were to reveal that the state or the group took a more prominent role in encouraging or promoting the attack, it could affect the determination of whose attack was implemented.

The courts could also find support in their reflection from other fields of international law, if, for instance, Turkey was to be found accountable for acts of Non-State armed groups by the International Court of Justice, as Nicaragua was.

On the other hand, that 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 seems inoperative and does not seem to preclude it from in fact turning into

an attack against a civilian population, an attack being defined by factual elements that amount to it if reunited.¹⁰

III. Conclusion

Far from being theoretical, ruling on whose policy the attack was pursuing will affect the reasoning aiming at establishing whether Mrs Khalaf's murder was part of an attack that qualifies as crimes against humanity in its entirety.

The question now remains, on the basis of future investigations, to determine whether the attack was made pursuant a state or a non-state actor's policy. The answer can be expected to be nuanced and to open the way to other questions.

Ruling on whose policy the attack against civilians was pursued will also bear implications in other aspects of the case, including the modes of liability and defences of the defendants. Evidently, if the courts were to find that the attack against civilians was implemented pursuant to a state policy, Turkey's officials could incur criminal accountability for crimes against humanity, while members of Ahrar Al-Sharqiya could for instance argue that they were in a superior/subordinate relationship with regards to Turkey's command.

These practical considerations must also lead to a reflection on the associations between state and non-state actors for the conduct of military operations. States resorting to non-state actors, whose accountability for international crimes is more intricate to establish and whose compliance with IHL are harder to ensure, in order to get around rules of armed conflict, foreshadows intricate situations for the near future.

3. Background

On October 9, 2019, the Turkish President Recep Tayyip Erdoğan [announced](#) the launch of a military operation on the Syrian territory,¹¹ code-named by Turkey as "Operation Peace Spring", with the direct participation of Syrian armed opposition groups, operating under the National Army, which is affiliated to the Syrian Interim Government, an offshoot of the National Coalition for Syrian Revolutionary and Opposition Forces.

Just a day before the operation, the National Coalition for Syrian Revolutionary and Opposition Forces released a statement supporting the Turkish announcement of a looming

¹⁰ 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>.

¹¹ Erdogan said in an Arabic tweet, "I kiss all members of the Mohammadi army, involved in the process of peace spring from their foreheads, and I wish success to them and all the local supportive elements that stand side by side with Turkey in this process, God bless you and was in your help", Erdogan's Twitter account, October 9, 2019 (last visit: November 5, 2019) https://twitter.com/rterdogan_ar/status/1181927322271830016?s=20

military operation in the region. The statement said “The Coalition supports the efforts of the National Army, the Ministry of Defense and those of the Joint Chiefs of Staff. We confirm the readiness of our National Army to combat terrorism in cooperation and joint action with brothers in Turkey.”¹²

The Minister of Defense, Salim Idris, announced on October 7, that the National Army has completed the necessary training for the upcoming military operation in northeastern Syria. This was preceded by other military arrangements, as the National Army and the National Front for Liberation announced their full integration on October 5, 2019.¹³

STJ has issued a press release calling for investigation of state and individual responsibility for Turkey's occupation of Syria since it breaches international law.¹⁴

In this detailed investigative report, STJ presents additional information and evidence proving that members of the Ahrar al-Sharqiya group of the National Army were responsible for the execution of Hevrin and her driver; the incidence which coincided with other executions in the same place and time and code-named later “the M4 Executions”.

Efforts STJ is offering are complementary to those made by local and international media outlets in covering executions occurred that day. Similar coverage was also provided by several international and human rights organizations.

Spokesperson for the UN High Commissioner for Human Rights, Robert Colville, made a media briefing confirming the receipt of reports confirming the kill of Hevrin Khalaf. He considered that the incident could amount to a “war crime” with reference to the possibility that Turkey could be held responsible as a state for abuses committed by armed groups loyal to it, as long as Turkey effectively controls these groups, or the operations during which they occurred.¹⁵

Amnesty International, in turn, released a report on 18 October 2019, in which it confirmed that Hevrin Khalaf had been beaten and killed without pity. “Turkey is responsible for the actions of the Syrian armed groups it supports, arm and direct. So far, Turkey has given these armed groups the freedom to commit grave abuses in Afrin,” Amnesty International Secretary-General Komi Naidu said¹⁶.

¹² “Syrian Coalition Reaffirms Commitment to Fighting Terrorism & Liberating Syria from Tyranny & Terrorist Orgs”, a press release by the Syrian National Coalition - Syria Department of Media & Communications, October 8, 2019, (last visit: October 22, 2019) <http://en.etilaf.org/press/syrian-coalition-reaffirms-commitment-to-fighting-terrorism-liberating-syria-from-tyranny-terrorist-orgs.html>

¹³ “National Army completes preparations for military operation east of Euphrates”, Yeni Şafak, October 7, 2019, (last visit: October 22, 2019) <https://www.yenisafak.com/ar/news/3438458>.

¹⁴ “Statement regarding the Peace Spring Operation by Turkey in Northeast Syria”, STJ, October 19, 2019 <https://stj-sy.org/en/statement-regarding-the-peace-spring-operation-by-turkey-in-northeast-syria/> (last visit: November 5, 2019).

¹⁵ Press briefing note on Syria- Spokesperson for the UN High Commissioner for Human Rights: Rupert Colville, OHCHR, October 15, 2019, (last visit: November 9, 2019) <https://reliefweb.int/report/syrian-arab-republic/press-briefing-note-syria-15-october-2019>.

¹⁶ “Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies”, AMNESTY, October 18, 2019 (November 9, 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/>.

4. Methodology of the report:

For the purpose of this report, STJ interviewed Hevrin Khalaf's mother, her driver, two people close to her, an independent source, a military commander of the National Army and a commander of the Ahrar al-Sharqiya, between 12 and 30 October 2019. It also collected and analyzed dozens of videos, photos, medical reports and documents related to the incident, verified and analysed them with the assistance of an expert in open source verification processes.

5. Analysis of published visual evidence on the execution of Hevrin Khalaf

On October 12, 2019, a number of videos were circulated on social media, showing executions of detainees by armed opposition groups involved in "Operation Peace Spring", specifically the Ahrar al-Sharqiya group of the National Army.

On the same day, another 18-second [video](#) was released showing an armored black Jeep (Toyota SUV) riddled with bullets. It was later proved that it belongs to the Kurdish politician [Hevrin Khalaf](#), who was the secretary general of the [Future Syria Party](#).

The [video](#) also shows the body of a young man, which was later revealed that it belongs to Farhad Ramadan, the driver substituted Hevrin's main driver that day since the latter was attending his father's funeral that day.



Image (1) a screenshot taken at 0:04 from the published [video](#), shows a man in a blue shirt on the ground, facedown and unmoving. He later be identified as Farhad Ramadan, Khalaf's driver. The fighters are in the process of pulling Khalaf from the car; she was still alive as her voice can be heard later in the background of the same video.



Image (2) the cameraman approaches the left side of the car, which appears to be riddled with bullets. One can see approximately 30 bullet holes on the left and rear sides of the car, while the back window and rear left window are broken.

Almost in the middle of the video, a voice of a woman could be heard, identifying herself as a party leader (she sounds afraid while saying that in Arabic but with a Kurdish accent). Hevrin's mother, a close friend to her and her driver could recognize her voice and definitely confirmed that it's hers. The driver also confirmed that the car belongs to Hevrin Khalaf.

Fighters with concealed faces also shown in the video, and the voice of the cameraman is heard in it saying: "Another pig was killed by the National Army, fleeing by an armoured car." This sentence is likely said by al-Hareth Rabah, the group's photographer, as he appeared in another video confirming the access of the group's fighters to the M4 highway. According to [media sources](#), Rabah had earlier submitted an asylum request to the German authorities and a media worker confirmed seeing him in Germany.



Image (3) a photo taken from a [tweet](#) by a journalist reporting the presence of al-Hareth Rabah in Germany in 2015.



Image (4) a photo taken from a [tweet](#) by the open source analyst known as 'obretix', which was one of the first to geolocated¹⁷ the site of this incident.



Image (5).

¹⁷ A tweet by 'obretix', which was one of the first to geolocated the site of this incident. (last visit: November 9, 2019) <https://twitter.com/obretix/status/1183083154023862275>.

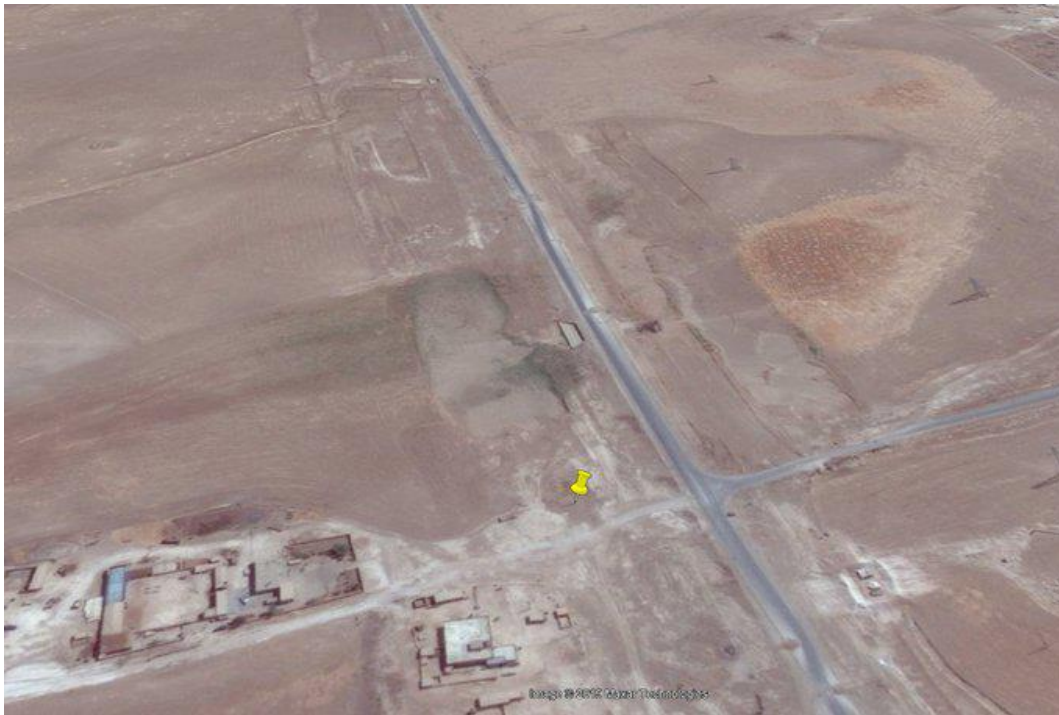


Image (6) the geographic site of the incident, taken from [‘obretix’](#) Twitter account.



Image (7) taken from satellite, shows the [exact geographic site](#) where Hevrin al-Khalaf was murdered with her driver Farhad Ramadan by the Ahrar al-Sharqiyah fighters.



Image (8) shows the murder site on the M4 highway. (designed by STJ).



Image (9) other photos of the scene taken later shows that the driver's window was hit by maybe a dozen rounds, whereas the second row of seats was not targeted as much. This likely explains why Ramadan appears to have been killed prior to being pulled from the car, whereas Khalaf was still alive, albeit likely wounded.

6. About Ahrar al-Sharqiya

Ahrar al-Sharqiya (Free Men of the East) is an active armed Syrian rebel group founded in 2016 and currently led by Ahmed Ihsan Fayyad al-Haeis, who was born in 1987, his mother's name is "Souria", and hails from the village of al-Shaqra in western rural Deir ez-Zor.

The statements usually issued by the group itself, acknowledge its affiliation to the 1st Corps - Division 12 - Brigade 123, of the Joint Chiefs of Staff of the Ministry of Defence of the Syrian Interim Government, an offshoot from the National Coalition for Syrian Revolutionary and Opposition Forces¹⁸.

According to sources met by STJ, the Ahrar al-Sharqiya group includes several smaller groups (al-Qadisiya group, Ahl al-Athar, Ahrar al-Tabaqa, Jaish al-Ahfad, the 20th Brigade and the Adl gathering). Fighters of these groups are mainly from the province of Raqqa. The group of Ahrar al-Tabaqa is led by a man nicknamed "al-Khal", from Raqqa, while the Jaish al-Ahfad is led by a man called Abu Ahmed Muhanna.

¹⁸ By way of example read image (21) in this report.

The most prominent brigades joined the Ahrar al-Sharqiya group when it was first formed were (al-Ahwaz Brigade, Dire al-Ansar, Jund al-Tawheed and the Al-Bara' ibn Malik brigade).

Only a small part of the Ahrar Al Sharqiya fighters are from Raqqa, al-Hasakah, Miskanah and Manbij areas, whereas the overwhelming proportion, are from Deir Ez-zor province, mainly from the Al-Baggara/Bakara clan.

Abu Hatem Shaqra entered Syria in July 2011 from Jordan where he used to work. One of his first military operations was to hit a Syrian army checkpoint in Harran al ' Awamid in Damascus suburbs (in late 2011). He remained in Eastern Ghouta until 2013, where he joined the Harakat Ahrar al-Sham al-Islamiyya, then moved to Deir ez-Zor province in 2014 and still fighting with Ahrar al-Sham to date. He then was expelled from Deir ez-Zor after it was controlled by Al-Nusra Front/Jabhat al-Nusra/al-Qaeda and later by ISIL due to odds he has with these groups.

The group fighters deployed in the Syrian province of Idlib, specifically in the town of Sarmada, before they were later stationed in the city of al-Bab in the northern rural Aleppo and became fully supported and financed by Turkey. Their current headquarters is in al-Ra'i city and they have a large military headquarters in al-Bab.

Under the command of the Turkish army, the Ahrar al-Sharqiya took part in the military operation called the Euphrates Shield, which the Turkish forces launched on August 24, 2016, aiming at taking control over the cities of Jarabulus, al-Bab and others. The group also participated in a military operation code-named "Operation Olive Branch " under the command of the Turkish army on January 20, 2018, in order to take control of the Syria's Afrin, which is predominantly Kurdish. The group participated for the third time under the command of the Turkish army in the battles of "Operation Peace Spring", which was launched on October 9, 2019, to control the areas of Tell Abiad and Ras al-Ayn/Sari Kani in the Syrian province of al-Hasakah.

According to local Syrian websites, the Ahrar al-Sharqiya group is responsible for helping ISIL fighters enter Turkey illegally for large sums of money reached \$200,000¹⁹.

According to information obtained by STJ from some sources, the number of the group's fighters is about 2000; the single combatant earns 500 Turkish liras per month, while the married fighter earns 800 TL.

In mid-September 2016, about a month after the "Operation Euphrates Shield" began, a [video](#) circulated on social media showed a group of fighters from the Ahrar al-Sharqiya chanting slogans against US forces which had entered the northern rural Aleppo,

¹⁹ See for example "Documents and information condemning .. How turned "Abu Hatem shakra" to a war trader and supporter of terrorism?", the Euphrates Post, August 3, 2019, (last visit: November 16, 2019) <https://euphratespost.net/documents-and-information-condemning-how-turned-abu-hatem-shakra-to-a-war-trader-and-supporter-of-terrorism/>

and demanding their exit. They shout "Down with America Down with America" "No to the Crusader Alliance" ... etc.



Image (10) a screenshot from a [video](#) released in September 2016, shows fighters of the Ahrar al-Sharqiya expelling US forces tried to enter the village of in al-Ra'i in northern rural Aleppo. (the video link was last visited on November 16, 2019).



Image (11) shows Ahrar al-Sharqiya's commander, Abu Hatem Shaqra, and the Minister of Defence of the Syrian Interim Government Salim Idris, as well as other leaders of the group.



Image (12) the commander of Ahrar al-Sharqiya, Abu Hatim Shaqra, with two detainees on the M4 highway on the same day that Hevrin Khalaf was killed.



Image (13) fighters of Ahrar al-Sharqiya. Taken from the [Twitter](#) account of Ahrar al-Sharqiya.

7. What did Hevrin's mother said to STJ?

Hevrin's mother, Su'ad Mohammad, confirmed that Hevrin told her the day before she was killed on October 12, 2019 she would be driven by her replacement driver Farhad Ramadan from al-Hasakah to Raqqa, to visit the town of [Ain Issa](#) and then the city of [al-Tabqah](#) and then return to al-Hasakah before 8:00PM to appear in an interview on [Ronahî TV](#).

According to the mother, Hevrin sent a WhatsApp message to her driver Meraav who was in a leave for his father's death, telling him that she arrived at the town of [Tall Tamr](#) at 6:55AM. Then at 6:55AM the mother received a call from Hevrin but didn't hear her voice; she heard the voices of three or four men speaking to each other in Arabic (likely, Hevrin called her mother then, to tell her what was happening with her). The mother, however, didn't hear Hevrin's voice though the call lasted more than a couple of minutes, and when she tried to call her back no one answered.

Two official sources from the Autonomous Administration-one of whom is close to Hevrin Khalaf- confirmed that the bodies of Hevrin and her driver were found with the car at the al-Irtiwasia checkpoint in the village of Zuhdi by some villagers who covered the bodies with blankets for about an hour and a half until they could secure a car to remove them to hospital. On the way, the bodies were transferred to another car and driven to Tall Tamr Hospital and then transferred to the National Hospital in Al-Malikiyah (Derek) where they were autopsied, and later moved to the military section of the hospital from where they were handed over to their families.

Hevrin's mother said that she received her daughter's body without any of her personal belongings, which were SP.475.000, \$250, two cell phones, a laptop, a golden necklace and ring. The mother accused the murderers of stealing them.²⁰

²⁰ A private source from the armed group that carried out the execution, said that they found the amount of 7 million Syrian pounds in the car of the Kurdish leader Hevrin Khalaf).



Image (14) shows the body of Hevrin-blurred in some parts for being sensitive. STJ obtained the photo from witnesses, but was unable to determine when it was taken exactly. However, sources said that it was taken immediately after the execution.

According to the forensic physician who examined Hevrin's body, the death occurred between 6:00 and 8:00 am on October 12, 2019. Hevrin sent a message from her phone at 6:30 am and the mother received a call from her at 6:55am. This confirms that the incident occurred in that duration.

While it's unclear exactly when Ahrar al-Sharqiyah crossed the border into the northern Raqqa countryside, the group began broadcasting its activity via their official Twitter account²¹ at 8:00 am local time. Over the next hour and a half, the account shared seven tweets relating to the offensive; three have since been deleted by the group but were archived online²² prior. Three of the first tweets published announced various villages the group had captured that morning since crossing the border near the village of Nuss Tel.

²¹ Last visit to the account, Dec 1, 2019. <https://twitter.com/ahraralsharqia>.

²² Last visit to this link, Dec 1, 2019.

<https://web.archive.org/web/20191013202522/https://twitter.com/ahraralsharqia>.



Image (15) One of the tweets published on October 12, 2019, confirming that Ahrar al-Sharqiya group managed to control parts of the M4 highway. It was published at 07:51 AM Syrian time. The group, however, deleted all tweets proof its presence on the M4.



Image (16) According to [suncalc.org](https://www.suncalc.org)²³ sunrise occurred at al-Sirb al-Sharqiyah on 12 October at 6:25 AM. In the aforementioned statement made by Su'ad Mohammad, the grieving mother says she received a mysterious phone call at 6:55 AM that morning, in which men could be heard speaking in Arabic about a vehicle being out of diesel. Provided this is not a coincidence, one can place the time of these killings within this thirty-minute window.

²³ <https://www.suncalc.org/#/36.4607,39.5935,10.846666666666666/2019.10.12/06:25/1/0>.

The murder of Hevrin Khalaf and her driver took place shortly after, while the sun was still at a quite low angle.



Image (17) a screenshot from a published [video](#), filmed on October 13, 2019, shows the car of Hevrin Khalaf in the murder scene at the al-Irtiwasia checkpoint near the village of Zuhdi.



Image (18) the image in the back taken from a [video](#) filmed on October 13, 2019. The thumbnail on the lower right shows the media worker al-Hareth Rabah on the highway on October 12, 2019, it is taken from a video confirms that Ahrar al-Sharqiya controls parts of the highway, which include the murder site.



Image (19) another evidence supports what image 14 shows.

8. The responsibility of Ahrar al-Sharqiya for the killing of Hevrin Khalaf

Contradicted versions of how Hevrin was killed have spread since news of her death. Initially it was said that she was killed by an airstrike, and according to yet another account, Hevrin's car had been rigged, while a third account said that an explosive device went off in the car. However, the analysis made by STJ, by reviewing all videos and images related to the incident in addition to studies made by other organizations and [several points of view](#), has drawn to conclusions that the overall appearance of the car and the bullet holes in its body do not substantiate the aforementioned three accounts. As the image (8) and (9) show the chassis of the car to be proper except for several pullet holes -no traces of an explosive device attack- which refutes the three versions.

STJ has already confirmed the presence of the Ahrar al-Sharqiya on the M4 highway as images 14 and 15 show. Bellingcat, in collaboration with Newsy, released a [video](#) shows clearly the presence of the group fighters there on October 12, 2019.

[The Observers-France 24](#) website cited the statement of the al-Hareth Rabah, who used to cover the group's military operations,²⁴ in which he said:

"I work for the Ahrar al-Sharqiya group as a photographer covering its operations. The group installed a checkpoint on the M4 highway and started stopping the passing cars; some drivers surrendered and were arrested as a result, while others resisted by firing or by running over the group's fighters. I didn't carry a weapon, and the video proves that I was only carrying a mobile phone and a camera."

The photographer "Rabah" confirmed that the killing of Hevrin Khalaf occurred simultaneously with the group's cutting off the road; the same source added:

"The armored car which was carrying Hevrin didn't comply with the checkpoint fighters' order to stop and all its doors kept locked that's why all those who were inside were killed on the same day morning."



Image (20) a Facebook post by al-Hareth Rabah confirms the presence of Ahrar al-Sharqiya fighters on the highway: it says:

²⁴ "A report investigating images show crimes committed by Turkish allied armed groups northeast Syria", the Observers-France 24, October 21, 2019, (last visit: October 30, 2019).

<https://observers.france24.com/ar/20191021-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D8%B5%D9%88%D8%B1-%D8%AA%D9%82%D8%B1-%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D9%85%D9%8A%D9%84%D9%8A%D8%B4%D9%8A%D8%A7%D8%AA-%D9%85%D9%88%D8%A7%D9%84%D9%8A%D8%A9-%D9%84%D8%AA%D8%B1%D9%83%D9%8A%D8%A7>

It wasn't a crime, criminals!
It was a tight, sudden and painful ambush of the gangs of the separatist terrorist party
And I was there to cover the event
Those who surrendered have been detained
While those who resisted and fled to the orchards were neutralized, I'm not content with that, but
This is war.....

It's worth mentioning that STJ tried to contact al-Hareth Rabah several times but to no avail; he even deactivated his Facebook account.

All facts and evidence collected by STJ, confirmed that the Ahrar al-Sharqiya group of the National Army cut off the M4 highway on the early morning of October 12, 2019 simultaneously with the kill of Hevrin and her driver. Other killings and arrests were made then by the group, which involvement in them is evident in videos published by the group itself.

However, the National Army said that any of its affiliated groups was present in that area at that exact time and date. On October 29, 2019, STJ spoke to Colonel Hassan Hamadeh, who is in charge of investigating abuses and violations committed by members of the National Army (after the National Army established this commission of inquiry against the backdrop of field executions committed by combatants during the "Operation Peace Spring"). Colonel Hamada denied the presence of the National Army at the site where Hevrin was killed at that time, contrary to the declaration issued by Ahrar al-Sharqiya. He said:

"The commission investigating the case of Hevrin's kill has reached no clues so far, knowing that the murder site is in an area outside the control of the National Army. The commission pursuing its investigations but still hasn't reached any proofs or evidence which may be invoked before the courts. Besides, no one has claimed responsibility for the kill of Hevrin and we still don't know the perpetrators."

Contrary to Hamada's statements, an official release by the Ministry of Defense/ the Joint Chiefs of Staff of the Syrian Interim Government was issued on October 21, 2019 with the sign of the commander of the 123rd Brigade of Ahrar al-Sharqiya on it, confirms that fighters of the group were present on the M4 highway on October 12, but denies responsibility for the killing of Hevrin Khalaf, contrary to what the colonel said in his previous statement that the site where Hevrin was killed located in areas outside the control of the National Army.



Image (21) the official statement made by the commander of the 123rd Brigade of the Ahrar al-Sharqiya confirming their presence on the M4 highway on October 12, 2019. Colonel Hassan Hamadeh himself provided STJ with this statement, which contradicts what he had said in a previous statement that none of the groups affiliated to the National Army had accessed the M4 highway.

STJ also talked to Ziad al-Khalaf, an official at the political office of Ahrar al-Sharqiya group. The interview was conducted via a Telegram call on October 30, 2019, during which al-Khalaf sent STJ a [video](#) on WhatsApp.²⁵

Al-Khalaf said that members of the Ahrar al-Sharqiya were on the M4 highway and indeed fired at the passing cars which didn't stop at the checkpoint and arrested those who surrendered, on orders received from their superiors.

Al-Khalaf stressed that Hevrin hadn't passed on that way, and the group's fighters have nothing to do with her murder. He also said that the car appeared in the video was not for

²⁵ The interview conducted by an STJ field researcher.

Hevrin and that there were no women in it, it was carrying only men, (he didn't identify them). He added that Hevrin's body was found in a place very far from the areas of the group's control and that she was killed by a rocket or an IED.

Al-Khalaf provided a video for a body of a woman found by the group's fighters, and stressed again that the car whose photo was published does not belong to Hevrin.

Al-Khalaf added that the statements posted on social media, which allegedly written by al-Hareth Rabah, don't belong to him, besides they are baseless and entirely unfounded. He stressed that al-Hareth hasn't made any interview and that somebody likely impersonating him to harm the group's reputation.

STJ analyzed the information provided by Ziad al-Khalaf about Hevrin's car and the video received. It also talked to Hevrin's mother and to her driver and concluded that:

- 1- The video provided by Ziad al-Khalaf, which he alleged that it films Hevrin's body after being found by fighters of the Sultan Murad Brigade (Memati Bash group), shows an unidentified body for a woman who doesn't look like Hevrin in terms of facial features and she wears a grey blouse while Hevrin was wearing a dark red blouse that day, according to the forensic doctor and image (10) we received earlier. The ground on which the body lying in the video provided by Khalaf seemed to be subjected to some kind of bombardment.



Image (22).



Image (23) a screenshot from the video provided by Ziad al-Khalaf, who claimed that the video shows the body of Hevrin after being killed by an IED and found by members of the Sultan Murad group at a remote location from the M4 highway. The screenshot shows an identified woman wears a grey blouse and the ground she lies on looks rocky, it is completely different from image (10), which shows the body of Hevrin Khalaf at the murder scene.



image (24) showing the differences (facial features and context) between the content of the video provided by Ziad Khalaf and the evidence and images collected, analyzed and verified by STJ.

In addition, relatives of Hevrin Khalaf and her close friends confirmed that the girl who appeared in the video was not her, and that her body is that appeared in image (14).

STJ tried to verify the location and time of the video provided by Ziad al-Khalaf, but was unable to obtain accurate and certain information. Memati Bash was present in [Ras al-Ayn/Sari Kani](#) on October 12, 2019, according to a [video](#) posted on the official Twitter account of "Operation Peace Spring", shows the group seizing an armored vehicle of Syrian Democratic Forces (SDF) in Ras al-Ayn that day.

- 2- When reviewing the published video on Hevrin's death, we heard a voice of a woman at 0.11, 0.12 and 0.13 saying "I'm the head of a party". The voice was recognized to be for Hevrin by her mother, her driver and two close friends to her from the Future Syria Party. That's contradicts Ziad al-Khalaf's said that there was no woman in the car.

For Ziad al-Khalaf's allegation that the car appeared in the published pictures does not belong to Hevrin Khalaf, STJ contacted Hevrin's main driver, Merav; he provided us with a picture of Hevrin inside the same car the published pictures show.



Image (25) shows Hevrin Khalaf in her car, months before her murder.
The image was provided to STJ by Hevrin's driver.

On the same day, on October 12, 2019, the Turkish newspaper Yeni Şafak published on its [Twitter](#) account the news of the death of Hevrin Khalaf, saying "in a successful operation, Hevrin Khalaf was neutralized" considering it a political offshoot of the "terrorist" Democratic Union Party PYD."



Image (26) shows a tweet by Yeni Şafak on the murder of the Kurdish politician Hevrin Khalaf.

9. The Forensic Report

STJ reviewed the report of the forensic doctor, Tayseer al-Maqdisi, who examined the body of the victim, Hevrin Khalaf, in the National Hospital in Al-Malikiyah/Derek, al-Hasakah, in northeastern Syria.

The report states that the victim got shots in the head and back and parts of her head hair were pulled out, besides, there are marks of beatings with a solid object on the head, body and also marks of dragging from the hair. In addition, the victim was subjected to several gunshot wounds after the death. The report determines cause of death to be due to severe cerebral hemorrhage caused by bullets in the head and estimates the time of death was about six to eight hours from the time of examining the body, which was at 2:00 pm on October 12, 2019.



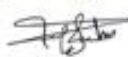
Image (27) the first page of the forensic report on Hevrin Khalaf's murder.

ويوجد جرح خروج طلق ناري بلفظ 7 ملم موضع أيسر وأسفل السرة ب 7 سم، وجرح خروج طلق ناري بلفظ 7 ملم موضع أيسن السرة ب 8 سم. وشوهت جرح رضى 7×5 سم مع ضياع الجلد موضع على النهاية السفلية من الوجه الأيسر للساق اليسرى يمتد حتى القدم مع كسر عظمي الساق، وشوهت تمزق وتهتك الجلد والعضلات على الوجه الخلفي للساقين. ولم أشاهد غير ذلك من إصابات. وما سبق نستنتج بأن المعدومة قد تعرضت للضرب بجسم صلب على الرأس مما أدى إلى حدوث الكسور المنحسفة، وكذلك الضرب بجسم صلب على أسفل الساق اليسرى مما أدى إلى كسر عظمي الساق وذلك بالضرب بأدوات حادة على الوجه الخلفي للساقين، وجرحها من شعرها مما سبب انقلاع الأشعار وحصلت شعر مع الجلد من الناحية الخلفية للرأس، ثم تعرضت للإصابة بطلقات نارية من سلاح حريم بالرأس من الجهة الأمامية اليمنى من الجسم من مسافة قريبة 40-75 سم ودخلت المقلوبات من الجانب الأيمن للرأس واتجهت من الأعلى إلى الأسفل ومن الأمام إلى الخلف ومن الأيمن إلى الأيسر قليلاً وخارجت من الناحية الخلفية للرأس. وأن كسور عظام الوجه وتخرب الأنسجة أدى إلى انحساف الجانب الأيمن من الوجه، وبعد سقوطها على الأرض أصيبت بأربعة طلقات من الظهر وخارجت من البط من مسافة غير قريبة. والإصابة بالرأس سببت تخرب المادة الدماغية وحدثت نزف حاد أدى إلى الوفاة.

سبب الوفاة : النزف الدماغى الحاد الناتج للإصابة بطلقات نارية في الرأس.

زمن الوفاة : 6-8 ساعات من ساعة الكشف 14:00 بتاريخ 2019/10/12.

الدكتور نسيم المقدسي
أخصائي في الطب الشرعي





وهذه خبرتي

2019/10/15

-2-

Scanned by CamScanner

Image (28) the second page of the forensic report on Hevrin Khalaf's murder.

More details about the incident were provided by Hevrin's mother, Suad Mohammad, who said in an interview with STJ field researcher that she received a phone call from Hevrin's number at 6:55 AM on October 12, 2019, but she didn't talk to her; she heard men talking in Arabic and a loud noise. She took the phone and went to the home of Hevrin's main driver who was on leave and told him what had happened. The driver tried to contact Hevrin and her driver but none of them answered.

The mother said:

"I talked to a friend of Hevrin; we tried to find out what happened, and after a short time he told me to go to the hospital in the city of al-Hasakah. On my way there, he told me to go first to the Public Security office in the town of Tall Tamr. However, before I reached there, I received another call telling me that Hevrin was in the Al-Malikiyah hospital; I arrived there at 12:00 pm, where they told me that her body was transferred to the military hospital in Al-Malikiyah"

She added:

"The next day, I went to the hospital to see her body, I unveiled her face, there was no face; it was covered with cotton pieces. I tried to remove some from her lower jaw, but they stopped me. I couldn't see her, she was mutilated. I demand everyone the right of Hevrin. Is there justice in this world? Hevrin wasn't a fighter, she was a politician striving for brotherhood between peoples. There is no justice in the world."

It should be noted that the National Army issued a warning on October 12, 2019, demanding its fighters not to film from the battlefield anymore, after the spread of videos by them showed brutal executions on the M4 highway.

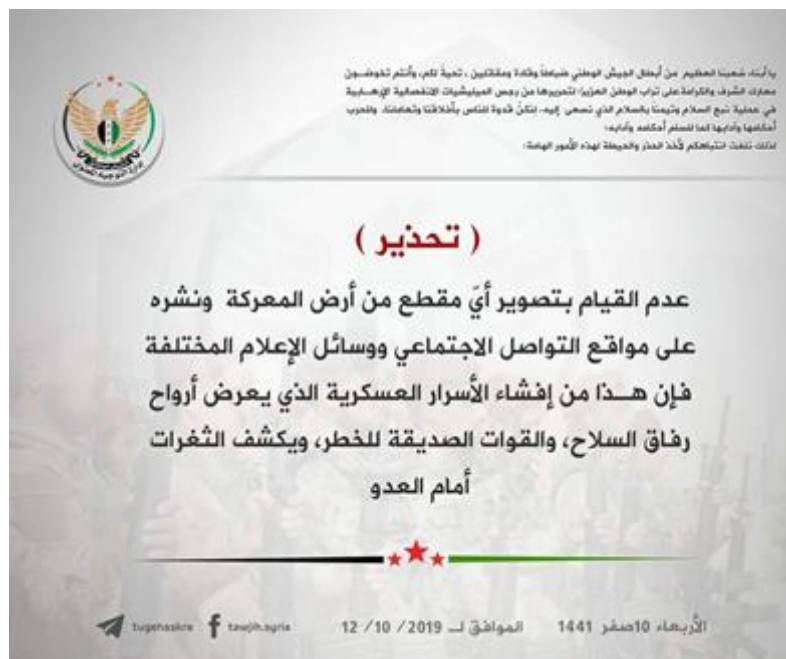
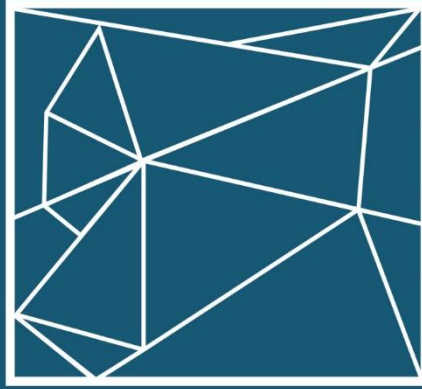


Image (29) the warning issued by the National Army, asking the fighters not to film.

سوريون
من أجل
الحقيقة
والعدالة
Syrians
For Truth
& Justice



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.

-
- 🌐 www.stj-sy.org
 - 📘 [syriaSTJ](https://www.facebook.com/syriaSTJ)
 - 🐦 [@STJ_SYRIA_ENG](https://twitter.com/STJ_SYRIA_ENG)
 - 📷 [Syrians for Truth & Justice](https://www.instagram.com/Syrians_for_Truth_Justice)
 - ✉ editor@stj-sy.org