

10 July 2020



*Illegal transfer of Dozens of
Syrian detainees into Turkey
following Operation Peace*

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*Joint Report: Kurdish Committee for Human Rights-observer &
Syrians for Truth and Justice (STJ)*

About the two organizations:

1. The Kurdish Committee for Human Rights and Fundamental Freedoms in Syria,

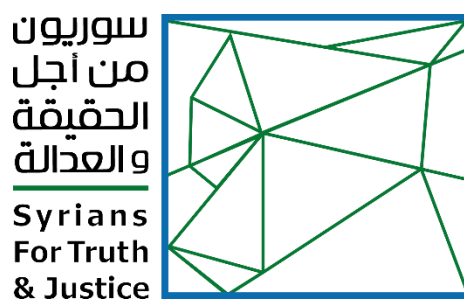
Is a civilian independent voluntary association striving to disseminate the culture of human rights and to document violations against them. Thus, the organization works to enhance the political and legal struggle to demand human rights through peaceful means, in accordance with international standards, which based on an intellectual reference consists of all international instruments and conventions from the Universal Declaration of Human Rights to the International Covenant on Civil and Political Rights.



2. Syrians for Truth and Justice (STJ)

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.



Background

On 9 October 2019, Turkish President Recep Tayyip Erdoğan announced the launch of a military operation by the Turkish Army and allied Syrian opposition groups – of the National Army –into northern Syria,¹ naming it Operation Peace Spring, and calling the Turkish forces participated the “Mohammadi Army”.²

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 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 Turkey³”.

The Minister of Defense, Salim Idris, announced on 7 October, that the National Army had completed the necessary training for the upcoming military operation in northeastern Syria.⁴ This was preceded by other military arrangements, as the National Army and the National Front for Liberation announced their full integration on 5 October 2019.⁵

STJ issued a press release calling for the investigation of breaches to international law and ensuing state and individual responsibility for Turkey’s occupation of Syria;⁶ the offensive displaced some 200.000 people, including 80.000 children in its first days.

The Turkish attack involved serious abuses of human rights, which were documented and reported by local Syrian human rights organizations, the UNCommission Of Inquiry (CoI) and international organizations, including Amnesty International. The latter published a report

¹ Erdogan’s full tweet, “The Turkish Armed Forces, together with the Syrian National Army, just launched Operation Peace Spring against PKK/YPG and Daesh terrorists in northern Syria. Our mission is to prevent the creation of a terror corridor across our southern border, and to bring peace to the area.”, Erdogan’s Twitter account, 9 October 2019 (last visit: 15 May 2020),

<https://twitter.com/rterdogan/status/1181921311846735872>

² Erdogan’s full 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, 9 October 2019 (last visit: 15 May 2020) https://twitter.com/rterdogan_ar/status/1181927322271830016?s=20

³ “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, 8 October 2019, (last visit: 22 October 2019) <http://en.etilaf.org/press/syrian-coalition-reaffirms-commitment-to-fighting-terrorism-liberating-syria-from-tyranny-terrorist-orgs.html>

⁴ “National Army completes preparations for military operation east of Euphrates”, Yeni Şafak, 7 October 2019, (last visit: 15 May 2020) <https://www.yenisafak.com/ar/news/3438458>.

⁵ “Merging the “National Army” with “The Front”: A Syrian Step Against Who?”, The New Arab, 5 October 2019. (Last visit 22 October 2019), <https://www.alaraby.co.uk/politics/2019/10/4/%D8%AF%D9%85%D8%AC-%D8%A7%D9%84%D8%AC%D9%8A%D8%B4-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A-%D8%A8%D9%80-%D8%A7%D9%84%D8%AC%D8%A8%D9%87%D8%A9-%D8%AE%D8%B7%D9%88%D8%A9-%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D8%B6%D8%AF-%D9%85%D9%86-1>

⁶ “Statement regarding the Peace Spring Operation by Turkey in Northeast Syria”, STJ, 19 October 2019, (last visit: 5 November 2019), <https://stj-sy.org/en/statement-regarding-the-peace-spring-operation-by-turkey-in-northeast-syria/>

on 18 October 2019 saying: “Turkish military forces and a coalition of Turkey-backed Syrian armed groups have displayed a shameful disregard for civilian life, carrying out serious violations and war crimes, including summary killings and unlawful attacks that have killed and injured civilians, during the offensive into northeast Syria.”⁷

In turn, Human Rights Watch documented in one of its reports, published on 27 November 2019, summary executions carried out by armed groups affiliated with the Turkish-backed National Army in northeastern Syria. The report accused the latter of concealing the fate of the relief workers who disappeared while conducting a mission in the “safe zone”. There is also evidence that the same Army prevented the return of the Kurdish families displaced by the Turkish offensive, looted their property and illegally seized or occupied it.⁸

According to the Col, civilians in Ras al-Ayn/Serê Kaniyê, Tell Abiad and their environs suffered countless violations of human rights and international humanitarian law, similar to that documented in Afrin, by fighters of the National Army. Those violations spread terror among the population and led to further displacements of Kurds and Yazidis from 14 villages in Ras al-Ayn/Serê Kaniyê.

The Commission believed that there was sufficient evidence to prove that the National Army fighters committed the war crimes of killing and pillage, which in itself constitutes a grave breach of the right to property.⁹ For its part, STJ published a detailed report provided damning evidence for Ahrar al-Sharqiya’s responsibility in the cold-blooded execution of Kurdish politician Hevrin Khalaf.¹⁰

Introduction

[The Kurdish Committee for Human Rights-observer](#) and STJ present this brief report as part of a joint advocacy campaign with other Syrian organizations, that began after obtaining reliable information reporting the transfer of dozens of Syrian detainees, arrested by Turkish-backed armed groups, to Turkey. In late April 2020, 41 organizations issued a joint statement calling for intervention to stop potential arbitrary trials against more than 90 Syrian detainees who were transferred to Hilvan Prison in the Turkish state of Urfa.¹¹

⁷ “Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies”, Amnesty International, 19 October 2019, (last visit: 5 November 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/>

⁸ “Syria: Civilians Abused in ‘Safe Zones’”, HRW, 27 November 2019, (last visit: 15 May 2020), <https://www.hrw.org/news/2019/11/27/syria-civilians-abused-safe-zones>

⁹ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (Human Rights Council, forty-third session 24 February–20 March 2020), (last visit: 15 May 2020), <https://undocs.org/en/A/HRC/43/57>.

¹⁰ “New Evidence Supporting the National Army’s Accusations in the Murder of the Kurdish Politician Hevrin Khalaf”, STJ, 10 December 2019, (last visit: 15 May 2020), <https://stj-sy.org/en/new-evidence-supporting-the-national-armys-accusations-in-the-murder-of-the-kurdish-politician-hevrin-khalaf/>

¹¹ “Appeal for immediate intervention to prevent the summary trial of 90 Syrian detainees in Turkish prisons”, STJ, 29 April 2019, (last visit: 17 May 2020), <https://stj-sy.org/en/appeal-for-immediate-intervention-to-prevent-the-summary-trial-of-90-syrian-detainees-in-turkish-prisons/>

The arrests were made mainly in the suburbs of Tell Abiad and Ras al-Ayn/Serê Kaniyê in the days immediately following Operation Peace Spring. Those targeted were indigenous population of the region; Kurds and Arabs, including people who did labor work for the institutions of the Autonomous Administration and others who had no military or political links with it at all.

Among those transferred to Turkey there were fighters of the People's Protection Units (YPG) and the Syrian Democratic Forces (SDF).

According to information obtained by the two organizations, 170 to 180 Syrian detainees were transferred from Syria to Turkey, specifically to the state of Urfa. In this summary paper we will shed light on the situations of 90 detainees in Hilvan Prison. Most of them did not participate in hostilities and some of them worked in the Autonomous Administration institutions on a daily-paid basis or as temporary service providers. In Hilvan Prison there are also 17 to 20 fighters of the YPG affiliated to the SDF; we will release papers on their conditions later.

For this report, field researchers from the Committee and STJ met the families of ten detainees. However, only five of them agreed to give information about their held sons. The interviews were conducted in person or online in late April and early May 2020. It is worth mentioning that STJ concealed some details from the witnesses' statements for their safety.

In addition, STJ and the Committee managed to obtain hundreds of documents (in Turkish), one of which lists the names of more than 70 detainees and others contain information including the charges against them, dates of the detentions, those who made them..

1. Legal framework

Two international legal frameworks are applicable to the detention of the Syrian detainees, primarily international humanitarian law, and in particular law of occupation, and the European Convention of Human Rights.

a. International Humanitarian Law

The Turkish authorities and forces assumed, in the ceasefire agreement with the United States on 17 October 2019, "responsibilities to" ensure safety and well-being of residents of all population centers in the safe zone controlled by the Turkish Forces (safe zone)".¹² Turkish military and police forces established their effective authority the Operation Peace Spring area by enforcing over 60 wide-scoped checkpoints and security bases, in accordance with abovementioned agreement. Such presence of the Turkish security forces was also enhanced in civilian administration by Turkish authorities of Sanliurfa governorate and various ministries such as education, health, and electricity. The control of the Turkish authorities in the Peace Spring region thus constitutes belligerent occupation according to art 42 of the 1907 Hague Regulations.

¹² "The United States and Turkey Agree to Ceasefire in Northeast Syria", White House. 17 October 2019. <https://www.whitehouse.gov/briefings-statements/united-states-turkey-agree-ceasefire-northeast-syria/>

Turkey is bound by the IV Geneva Convention as it has occupied part of another country's territory. Persons who, at a given moment and in any manner whatsoever, find themselves, in case of an occupation, in the hands of an Occupying Power of which they are not nationals, are 'protected persons', according to art 4 of the IV GC.

Articles 47–78 of the IV Geneva Conventions, furthermore, impose substantial obligations on occupying powers, including provisions for the general welfare of the inhabitants and public or private property in the region. Article 49 of IVGC, moreover, individual or mass forcible transfers, as well as deportations of protected persons from Syrian occupied territory to the territory of the Occupying Power, are prohibited, regardless of their motive.

The Syrian detainees are protected persons, and they were detained inside Syrian occupied territory, and later transferred to Hilvan prison in the Republic of Turkey where they are charged under Turkish anti-terror and criminal law. Such an act constitutes a grave breach according to article 147 IVGC.

b. International Human Rights Law

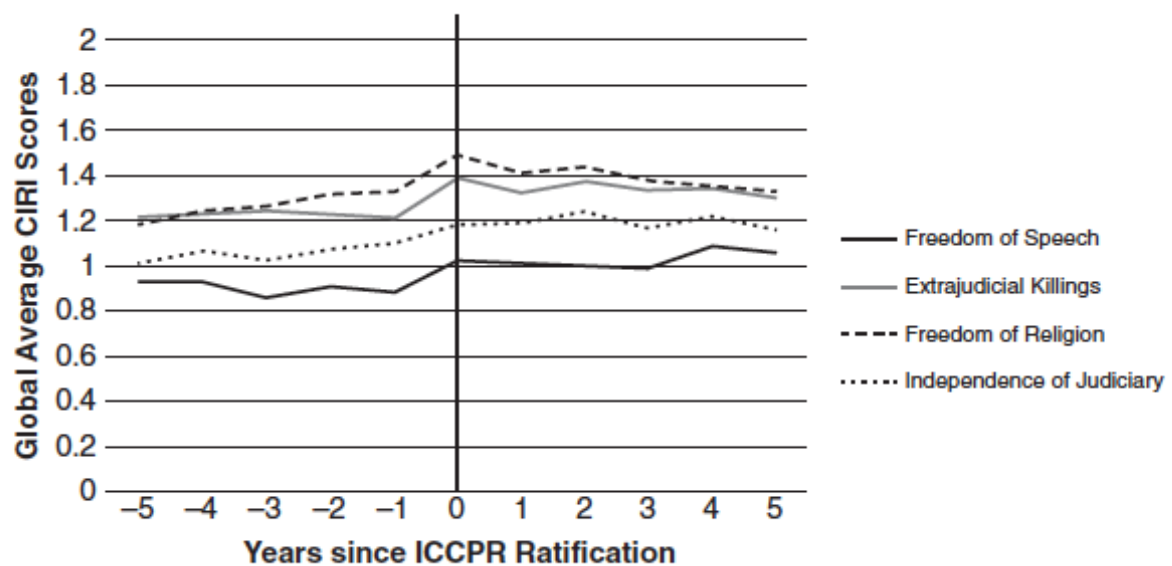
Article 5 of the European Convention on Human Rights provides:

Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- (a) the lawful detention of a person after conviction by a competent court;*
- (b) the lawful arrest or detention of a person for noncompliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;^{8 9}*
- (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;*
- (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;*
- (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;*
- (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.:*

Turkey ratified the European Convention on Human Rights (ECHR) in 1954, and allowed individual applications to the Court in 1990. Between 1959 and 2019, it was the state who appeared the most before the European Court of Human Rights (ECtHR), with 3 645 judgments and 3 224 of them finding at least one violation, while Russia, the second to first, had appeared before the court 2 699 times. On 771 occasions did the court find that Turkey had violated Article 5.¹³

The ECHR is not an isolated case. An assessment of the effect of the ratification of the International Covenant on Civil and Political Rights conducted by Professor Posner reveals that the ratification by a country of the covenant had a seemingly positive effect during the two years preceding the ratification, that faded away rapidly after.



Effect of International Covenant on Civil and Political Rights on four types of rights.¹⁴

Reading these statistics, the success of the human rights project appears rather mixed. Why is that so? The wave of arrests conducted by Turkey in Syria actually constitute a relevant illustration of the scepticism one can feel towards the human rights movement. This short article aims at questioning the human rights project and, on the basis of reflections offered by legal scholars including Koskeniemi, Posner, and Mégret, at answering the above question and why, despite the numerous condemnations of Turkey, we still see violations of the same type repeating themselves.¹⁵

¹³ European Court's of Human Rights, Violations by Article and by State, 1959-2019 https://www.echr.coe.int/Documents/Stats_violation_1959_2019_ENG.pdf

¹⁴ Eric A. Posner, "Martti Koskeniemi on Human Rights An Empirical Perspective," in *The Law of International Lawyers: Reading Martti Koskeniemi*, ed. Wouter Werner, Marieke De Hoon, and Alexis Galàn (Cambridge University Press, 2017), 121-36.

¹⁵ Martti Koskeniemi Martti Koskeniemi is Professor of International Law at the University of Helsinki and Director of the Erik Castrén Institute of International Law and Human Rights. He wrote extensively about

It is essential for lawyers to reflect upon this in order to understand the nature, potential and limits of international law, and refrain from becoming what he calls “managerialists”. This short intervention will highlight three shortcomings of the human rights project that are relevant to the facts at hand. The first consists in the obtuse denial of the International law community to acknowledge the politics of international law (A), the second will address the individualistic character of human rights (B), the third one will reflect upon the detrimental effect of the multiplication of proclaimed human rights (C).

A. Law as politics

International lawyers often put a great deal of energy in attempting to demonstrate how non-political international law is. Such a discourse suggests that while politics are marked by opinions, morals and choices, international law is transparent, and, above all, impartial. This view reflects the liberal thought, which happens to be the most dominant current among international lawyers, but has been criticised eloquently by some scholars, especially by Koskenniemi. In fact, according to him, not only isn't law above politics, it is also itself, politics, emerges from a political will, and attempts by the international law community to ignore it is actually detrimental to the achieving of their objectives.¹⁶

[R]ights depend on their meaning and force on the presence of institutions, histories and cultures, of people thinking in broadly similar ways about matters social and political. [...] No right is 'given'; a right is what one is due as a result of political deliberation. However, this is what rights tried to avoid. It was precisely because politics seemed to degenerate into a struggle for the advancement of particular interests that rights were introduced to protect those in weaker positions. If rights are a function of social arrangements, then this point is lost. They become just one more policy among others.¹⁷

Ignoring this prevents any constructive criticisms of the human rights project, and locks it up onto a cycle of misunderstanding and failure to uphold the rights it aims at protecting.

international law from a critical perspective; Eric Posner is Professor of Law at University of Chicago. His research interests include financial regulation, international law, and constitutional law; Frédéric Mégret is a Professor of Law at McGill University. He commented Koskenniemi on different occasions.

¹⁶ Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument (Reissue with a New Epilogue)* (Cambridge, UK: Cambridge University Press, 2006).

¹⁷ Martti Koskenniemi, *The Politics of International Law, The Politics of International Law* (Oxford, UK: Hart, 2011).

B. The proliferation of Human Rights

A proposition to attempt to understand the causes of the failure of the human rights project is made by Posner, in his own commentary of Koskeniemi's work. Building upon the latter's study, he suggests that the proliferation of rights, although seemingly positive for HR, reveals problematic. Indeed, what he coins "rights hypertrophy", the multiplication of proclaimed human rights, leads to any human rights losing its normative value, in two ways. First, as a result of material constraints, a state may not be in capacity to ensure the respect of all the rights it committed to. Getting a state to comply with human rights might require an amount of resources they do not have. For instance, if a state is determined to tackle police brutality in order to comply with the right to life it owes its subjects, it might need to invest in trainings, recruitment, education. Such expenses might therefore leave the state unable to invest in the respect of other rights, such as the right to equality, that would necessitate to invest resources in education, training, construction and more.

Posner describes another pervasive effect of the multiplication of human rights. When a state commits to defending so many different rights, it might, at times, have to arbitrate between two rights he committed to respect but that appear contradictory in practice. Then, in the absence of a hierarchy among rights, the state must take a discretionary decision and uphold one right upon another. More, states can justify any violations of human rights justifying their conduct by the respect of another rights. In the case at hand, Turkey might not respect Article 5 of the ECHR guaranteeing the right to freedom, but it can argue its conduct is necessary to the protection of the state, and, regardless of the well-founded of the motive of the arrest, to protect its subjects' right to life.¹⁸

According to Koskeniemi:

Today, every interest, every preference tends to present itself in rights-language so that the critical power of that language is largely lost. In the 'war against terror', for example, efforts to control the expansive jurisdiction of security concerns and security experts were originally opposed in the language of individual rights. By now, however, security concerns are themselves addressed as human rights concerns so that even an indefinite detention may be justified by reference to the human right to security of the detained person's prospective victims. The point is not that this is perverse; it is that this is formally correct: the rights of many may depend on the limitation of the rights of some. The only (political) questions to ask are: whom do we believe, what values do we want to prefer and which we are ready to override?¹⁹

¹⁸ Posner, "Martti Koskeniemi on Human Rights An Empirical Perspective."

¹⁹ Koskeniemi, *Polit. Int. Law*.

C. The individualistic nature of Human Rights

Another shortcoming of the human rights project illustrated in the case at hand is its failure to account for injustice caused to the community at large, beyond the individuals themselves. There are no community rights. Nonetheless, the conduct of authoritarian states lies not only in the individual harm caused to direct victims, but also in the harm done to the community. Syria is a case on point to demonstrate this. The arrests, disappearances, executions committed by Turkey today in Syria, are only the continuation of the ones committed by the Syrian government for the past 40 years. Now, the damage caused to each and every of the detainee for being arbitrarily arrested includes a range of damages. Non-material damage might include physical and emotional exhaustion, stress of living in poor sanitary conditions, diseases due to life with a number of other detainees, while material damage includes the loss of paid days, lawyer's fees, other expenses spent by families to conduct research and reach their son. While a judicial process could compensate these damages, another level of harm is being done to the community whose sons are being arrested arbitrarily. This entails the fear of being subjected to arbitrary arrest, the fear of speaking out, potential contribution to the fees families have to answer for, alteration of the way of life, and, in the worst case, displacements.

Now, these attacks on the integrity of the community cannot open the way to a human rights claim, a process inherently individualistic. Koskeniemi refers to this gap in these terms while reflecting upon "rights-talk":

To take an example from Joseph Raz: I may own a painting by Van Gogh. Nonetheless, I may have a duty not to destroy it even if nobody has a correlative right. The value of art, in this case, cannot be expressed in rights language – just as little as, for instance, the value of a clean environment in a conflict concerning the carrying out of a contract for a large industrial project.²⁰

More than sixty years since the establishment of the ECtHR, held as one of the most compelling instruments in the fight for human rights, its success appears thin. It is essential for international lawyers to address some of the most pressing questions as to why this is so, and to reflect upon the real nature of international law. The human rights project has appeased revolutionary and resistance movements, benefitting, in that way, states more than those for whom human rights were designed. Now, it must deliver.

²⁰ Koskeniemi.

2. Statements from some detainees' families

A. First wave of arbitrary arrests

According to a local source in the village of Abu Shekhat – belonging to the [Mabrouka](#) town in Ras al-Ayn/Serê Kaniyê – by the beginning of Operation Peace Spring, Abdeljelil Mouallash, 26, single, his relative Jihad Mouallash and others, were the first to be arrested from the village. Those arrests were made by the 20th Division of the National Army – operating under the Syrian Interim Government – after surrounding the village and confiscating some people's mobile phones. The same source reported that prior to being taken, those arrested had been beaten along with members of their families (including women) in plain sight of everyone in the village.

A relative of Abdeljelil and Jihad denied that the latter two have ever been fighters in the SDF ranks:

“Abdeljelil and Jihad used to do labor work; like portering and pastoralism. They were arrested wearing civilian clothes; they didn't involve in the military operation in any way and had no links with the SDF, actually our village did not witness any hostilities. Abdulrahman Abu Mohammad was the man who conducted the arrests; he came to the village with a group of men driving in a Mazda, a Honda and a pickup-we couldn't identify its brand. Like many others Abdeljelil and Jihad worked for the Autonomous Administration on a daily-paid basis in cleaning and digging. They haven't been heard of three months after their arrest, until we heard from a lawyer that they are held in a prison in Turkey.”

He concluded:

“We are so intimidated that Turkey would pass unjust sentences on them. We are Arab tribesmen and have nothing to do with what's happening.”

The documents obtained, including the prosecutor's report, claim that the arrest against Abdeljelil Mouallash took place on 22 October 2019, several days after the actual date of the arrest. This actually appears to be the date of their handing over to the Turkish government. The documents also contain the names of other detainees including: Ali Ismail, Basem Younis, Majed Nazzal, Samer Mulla, Adnan Sabah, Salem Mulla, Mohammad Mahmoud and Omar Ali Hassan.

B. People similarly and released in exchange for bribes

Basem Azez Younis, from the village of Abu Sheikhat in Mabrouka area, was detained on 14 October 2019, according to his relative:

“Basem was detained on 14 October 2019 at approximately 1:00pm, by a patrol of the 20th Division headed by a man called Abu Barazan; there were no Turkish soldiers among them. Basem had never been a fighter, and had no links with the Autonomous Administration, he was a mere porter. Ten days after his detention we learned that he was transferred to Turkey and we were able to reach him through a lawyer.”

The source added:

“Basem was detained for no reason. We are afraid that he and other detainees would face unfair and long-term prison sentences. There were people arrested in the same way, but they were released after they paid bribes to the armed groups and before being transferred to Turkey.”

The documents obtained, including the prosecutor's report, claim that Basem and nine other people were detained on 22 October 2019. This likely is the date of their transfer to Turkey, as it is eight days after the actual date of their arrest. According to the documents, the detainees were involved in hostilities and arrested in the town of Mabrouka during a fire exchange in the context of Operation Peace Spring and handed over to the border units. This contradicts the statements of the detainees' relatives we met, who assured that the detentions conducted in the village, where no clashes occurred.

The documents contain a confession from Basem saying that he worked in the Traffic Corporation of the Autonomous Administration in mid-2018, but never took part in any armed action, and that he fled to his village after Turkey dropped leaflets telling people to evacuate the area. It is worth mentioning that Basem was detained with other people in a school near the town of Mabrouka after the Turkish forces and allied National Army took over the area.

The report by the prosecutor working on Bassam's case contained other names including: Ali Ismail, Emad Mustafa al-Thalji, Mustafa Khalil, Mohammad Mahmoud and Omar Ali Hassan.

C. “He had never carried a weapon or taken a side”

Eyad Hamad Shweesh, born in 1998 to Najah Mohammad, was one of those detained in the village of Abu Shekhat. According to a source close to the family of Eyad, he was captured from his home on 14 October 2019 at around 1:00pm, wearing civilian clothes. The source added:

“Eyad had never carried a weapon or joined any armed organization or group; like the SDF and others. He was detained by a patrol of the 20th Division which stormed the village in camouflage cars.”

According to the same source, Eyad used to do labor work to make a living, and he never dealt or worked with the Autonomous Administration. On the treatment Eyad received, they added:

“Initially, he was taken to Mabrouka with other detainees and after ten days they were transferred to Turkey, where we managed to reach him through a lawyer. We have serious concerns they would face long-term sentences, despite the fact that dozens were released after paying bribes to the armed group holding them.”

D. Detained with his brother

Bassam Aziz Younis, Basem’s brother – the aforementioned detainee – was also detained from his home in the village of Abu Sheikhat. Bassam was born in 1995, is married and has four children. A relative of the two brothers recounted:

“Bassam was arrested on 14 October 2019 from his home right in front of his family by the 20th Division, knowing that Bassam had never been a fighter under any of the armed groups affiliated with the Autonomous Administration.”

The source assured that there were no Turkish soldiers in the patrol that stormed Bassam’s home and arrested him, he went on to say:

“Bassam used to do labor work in his area. After his arrest we learned that he was transferred to Mabrouka and then to Turkey. We are afraid he would be sentenced to long-term imprisonment.”

E. The role of the 20th Division

Ali Ismail Sayah, born in 1993 to Wadha, was one of those detained from Abu Sheikhat by the 20th Division, that was responsible for all the detentions made in the village, according to Ali’s family and locals from the village, who explained:

“Ali is an Arab, and he is married with a one-year-old girl child. He was arrested on 14 October 2019 between 10 and 11 am. wearing civilian clothes. We learned later that the group who detained him was the 20th Division, that made all the detentions in our village, by storming it with 4-wheel vehicles containing 10 to 15 members of its militias but no Turkish soldiers were among them.”

The source added that Ali used to do labor work for the Autonomous Administration on a daily-paid basis, but didn’t carry a weapon or joined any armed group, and that they learned that he was taken to Mabrouka and then transferred to Turkey. He concluded:

“Some people hired lawyers to know their relative detainees’ whereabouts, but we couldn’t afford that since we are very poor. We, however, learned from relatives of other detainees that Ali is held in Turkey.”

The documents obtained, including the prosecutor's report, claim that Ali was arrested with nine others on 22 October 2019 in the context of Operation Peace Spring and amid clashes in the town of Mabrouka, before being handed over to the Turkish border guards. These allegations are inconsistent with the statements of the detainees’ families, who confirmed that the arrests took place before this date, when there were no military clashes.

The documents also claims that people detained with Ali confirmed that he was a member in the ranks of the Autonomous Administration’s Asayish forces (internal security forces). This accusation was refuted by Ali who insisted that he only worked in digging and guarding.

While preparing the present report we received updates about the issuance of unfair sentences against the detainees: Fahed al-Younis, Mohammad Hameed and Jasem Sae’d al-Kasmo. Those mentioned were sentenced to life imprisonment in accordance with Article 302 of the Turkish Penal Code. (Note that the said judgment is subject to appeal).

F. Further information included in the documents

The Kurdish Committee for Human Rights-observer and STJ reviewed prosecution documents issued by the Turkish Prosecutor (ŞANLIURFA CUMHURİYET BAŞSAVCILIĞI) in Urfa and sent to the court of ŞANLIURFA AĞIR CEZA MAHKEMESİNE. The documents related to a case against ten detainees, including Abdeljelil Abdullah Mouallash, Ali Ismail Sayah and Basem Aziz Younis, who were accused of:

1. Intentional killing with means and motive.
2. Damaging the unity and territorial integrity of Turkey.
3. Being members of armed terrorist groups.

The documents reported the arrests to have been conducted on 1 November 2019. The date likely is that of the reception by Turkish authorities of the detainees from the Syrian armed opposition groups. The detainees’ families, however, confirmed that the arrests occurred on 14 October 2019.

The documents also indicated that the arrests occurred according to the decision of the Third Magistrate's Court in Urfa No. 90/19/2019 although the families confirmed in their statements that there were no Turks among those who carried out the arrests. They were later transferred to the court for heavy sentences.

Further, the documents stated that the charges were filed according to Articles 5273, Articles 314/2, 302/1, 81/135, 58, 63, and Article 3713 of the Turkish Penal Code, and Article 5/1 of the Turkish Anti-Terrorism Law.

3. Annex:

Names of identified Syrian detainees from the batch of the 90 detainees who were transferred to Turkish prisons:

#	Dungeon-Passage	Turkish Name	English Name	The Reason for Being	Being Date
1	A BLOCK- 2.KORIDOR-A 24	Abdulcelil Ahmet Ömer	Abduljalil Ahmad Omer	For administrative reasons	29/11/2019
2	A BLOCK- 2.KORIDOR-A 24	Abdullah Müslim Şeyho	Abdullah Muslim Sheyho	For administrative reasons	29/11/2019
3	A BLOCK- 2.KORIDOR-A 24	Adnan Sabah	Idnan Sabah	For administrative reasons	29/11/2019
4	A BLOCK- 2.KORIDOR-A 24	Ahmed Birahim	Ahmad Ibrahim	For administrative reasons	29/11/2019
5	A BLOCK- 2.KORIDOR-A 24	Aziz Mahmud Şeyho	Aziz Mahmoud Shayho	For administrative reasons	29/11/2019
6	A BLOCK- 2.KORIDOR-A 24	Besim Yunus	Basem Younos	For administrative reasons	29/11/2019
7	A BLOCK- 2.KORIDOR-A 24	Beşir İsmail Elahmed	Bashir Ismaeil Alahmad	For administrative reasons	29/11/2019
8	A BLOCK- 2.KORIDOR-A 24	Cihad Halil Mielliş	Jihad Khalil Melleish	For administrative reasons	29/11/2019
9	A BLOCK- 2.KORIDOR-A 24	Cuma İbrahim	Joumaa Ibrahim	For administrative reasons	29/11/2019
10	A BLOCK- 2.KORIDOR-A 24	Halid Ahmet Elabit	Khaled Ahmad Alabit	For administrative reasons	29/11/2019
11	A BLOCK- 2.KORIDOR-A 24	Mahir Yunus	Maher Younos	For administrative reasons	29/11/2019
12	A BLOCK- 2.KORIDOR-A 24	Muhammed Mamut	Mohammad Mahmoud	For administrative reasons	29/11/2019
13	A BLOCK- 2.KORIDOR-A 24	Muhammed Hamid Sabah	Mohammad Hamid Sabah	For administrative reasons	29/11/2019
14	A BLOCK- 2.KORIDOR-A 24	Mustafa Halil	Mustafa Khalil	For administrative reasons	29/11/2019
15	A BLOCK- 2.KORIDOR-A 24	Ömer Ali Hasan	Omer Ali Hassan	For administrative reasons	29/11/2019
16	A BLOCK- 2.KORIDOR-A 24	Ömer El Arif	Omer Al-Aref	For administrative reasons	29/11/2019
17	A BLOCK- 2.KORIDOR-A 24	Sabri Osman	Sabry Othman	For administrative reasons	29/11/2019
18	A BLOCK- 2.KORIDOR-A 24	Salim Melleh	Salem Mulla	For administrative reasons	29/11/2019
19	A BLOCK- 2.KORIDOR-A 24	Samir Melleh	Samer Mulla	For administrative reasons	29/11/2019
20	A BLOCK-	Ahmed Himmed El	Ahmed Hamad	By type of crime	20/12/2019

	2.KORIDOR-A 24	Halaf	Al-Khalaf		
21	A BLOCK- 2.KORIDOR-A 24	Azzo Halil	Izzo Khalil	By type of crime	20/12/2019
22	A BLOCK- 2.KORIDOR-A 24	Hüseyin Hımed El Azzo	Hussain Hamad Al-Izzo	By type of crime	20/12/2019
23	A BLOCK- 2.KORIDOR-A 24	Yazan Almhesen	Yazan Al- Muhaisen	By type of crime	20/12/2019
24	A BLOCK- 2.KORIDOR-A 24	Vahit Muhammed Hasun	Waheed Mohammad Hassoun	By type of crime	23/12/2019
25	A BLOCK- 2.KORIDOR-A 24	Muhammed Hıdır Bedran	Mohammad Khudur Badran	By type of crime	15/01/2020
26	A BLOCK- 2.KORIDOR-A 24	Muhammet Ahat	Mohammad Ahed	By type of crime	22/01/2020
27	A BLOCK- 2.KORIDOR-A 24	Yassir Alali	Yasser Al-Ali	By type of crime	22/01/2020
28	A BLOCK- 2.KORIDOR-A 24	Mustafa Hanifi	Mustafa Hanifi	By type of crime	27/01/2020
29	A BLOCK- 2.KORIDOR-A 24	Abdulkerim Derviş	Abdulkarim Darwish	By type of crime	03/02/2020
30	A BLOCK- 2.KORIDOR-A 24	Macid El Ali	Majid Al-Ali	By type of crime	03/02/2020
31	A BLOCK- 2.KORIDOR-A 24	Muhammed Derviş	Mohammad Darwish	By type of crime	03/02/2020
32	A BLOCK- 2.KORIDOR-A 24	Muhammed Sıdyen	Mohammad sedyen	By type of crime	12/12/2019
33	A BLOCK- 2.KORIDOR-A 24	Zekeriya Al Mohammad	Zakaria Al- Mohammad	By type of crime	12/12/2019
34	A BLOCK- 2.KORIDOR-A 24	Ammar El Bati	Ammar Al-Bati	By type of crime	12/12/2019
35	A BLOCK- 2.KORIDOR-A 24	Mehmet Yuvarlak	Mohammad Yuvarlak	By type of crime	12/12/2019
36	A 8	Abdulcelil Abdullah	Abduljalil Abdallah	By type of crime	12/12/2019
37	A 8	Ahmed Abdulhamid Hamdullah	Ahmed Abdulhamid Hamdallah	For administrative reasons	12/12/2019
38	A 8	Alaa El Halaf	Alaa Al-Khalaf	By type of crime	12/12/2019
39	A 8	Ali İsmail	Ali Ismail	By type of crime	12/12/2019
40	A 8	Amir Mueyyet Latif	Amer Muayad Latif	By type of crime	12/12/2019
41	A 8	Fehid El Yunus	Fahad Younis	By type of crime	12/12/2019
42	A 8	İbrahim Sevvat Halaf	Ibrahim Sawat Khalaf	By type of crime	12/12/2019
43	A 8	İmed Elselci	Imad Al-Thalji	By type of crime	12/12/2019
44	A 8	İsmail Halaf İsmail	Ismail Khalaf Ismail	By type of crime	12/12/2019
45	A 8	İyad Muhammed İşveş	Eyad Mohammad Ishwesh	By type of crime	12/12/2019

46	A 8	Macit Nezzel	Majid Nazzal	By type of crime	12/12/2019
47	A 8	Mahmud Muhammed El Hamed	Mahmoud Mohammad Al-Hamad	By type of crime	12/12/2019
48	A 8	Mehmet Mahmud Eddahir	Mohammad Mahmoud Al-daher	By type of crime	12/12/2019
49	A 8	Muhammed Fendi Ahmed	Mohammad Fendi Ahmed	By type of crime	12/12/2019
50	A 8	Muhammet Ali Sellum	Mohammad Ali Salloum	By type of crime	12/12/2019
51	A 8	Şeyh Ahmed Utman	Sheikh Ahmed Othman	By type of crime	12/12/2019
52	A 8	Ahmed Muhamed Casım	Ahmed Mohammad jassem	By type of crime	18/12/2019
53	A 8	Mustafa Cuma El Ahmed	Mustafa juma Al-Ahmed	By type of crime	18/12/2019
54	A 8	Mohammad Sheik Ahmad	Mohammad Sheikh Ahmed	By type of crime	20/12/2019
55	A 8	Mustafa Şeyh Ahmed	Mustafa Sheikh Ahmed	By type of crime	20/12/2019
56	A 8	Osman Doğan	Othman Dogan	By type of crime	20/12/2019
57	A 8	Selman Sümbül	Salman Sumbul	By type of crime	20/12/2019
58	A 8	Serdar Şeyh Ahmed	Serdar Sheikh Ahmed	By type of crime	20/12/2019
59	A 8	Hamet Kesmu	Hamad Kasmu	By type of crime	08/01/2020
60	A 8	Delil Tarbuş	Dalil Tarboush	By type of crime	10/01/2020
61	-	Abdulkerim Hasan Afas	Abdulkarim Hasan Affas	-	-
62	-	Muhammet İbrahim Moşa	Mohammad Ibrahim Mousa	-	-
63	-	Abdülaziz Azizi Ali	Abdulaziz Aziz Ali	-	-
64	-	Omar Mahmut İbrahim	Omar Mahmoud Ibrahim	-	-
65	-	İbrahim İsmail Muhammed	Ibrahim Ismaleil Mohammad	-	-
66	-	Saddam Ömer Hammadi	Saddam Omar Hammadi	-	-
67	-	Hasan Nasır Hasan	Hasan Nasr Hasan	-	-
68	-	Halit Hamza Ayede	Khaled Hamza Ayda	-	-
69	-	Fuat Hıdır Müniyir	Fouad Hayder Mounir	-	-
70	-	Adnan Hüseyin MUHAMMED	Ednan Housein Mohammad	-	-



The Kurdish Committee for Human Rights and Fundamental Freedoms in Syria, is a civilian independent voluntary association striving to disseminate the culture of human rights and to document violations against them. Thus, the organization works to enhance the political and legal struggle to demand human rights through peaceful means, in accordance with international standards.

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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.

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