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Tell Abyad/ Ras al-Ayn
(Serê Kaniyê):

Property Violations
During and After
Turkey's "Operation
Peace Spring"



Nothing is left of my home except the keys!

*Tell Abyad & Ras al-Ayn/Serê Kaniyê: Violations of property rights
during and after Turkey's Operation Peace Spring*



Syrians for Truth and Justice, through the support of the Canada Fund for Local Initiatives, conducted over 120 interviews with Syrians during the course of the project “Fighting Against Lack of Justice and Promoting the Rule of Law in Syria” with the help of a network of field researchers in Damascus, Southern Syria, Northeastern Syria, and Northwestern Syria. We conducted the interviews to better understand the challenges of the Syrian legal system and the hurdles average Syrians must overcome to achieve justice.

Global legal experts analyzed and commented on the challenges Syrians raised in their testimonies and their analyses, along with testimonials, are published in a series of five reports covering the subjects of:

1. Statelessness and the deprivation of citizenship
2. Violations to housing, land, and property rights
3. Violence against women
4. The issuance of death certificates for people missing or killed during the conflict
5. Family rights over neglected or orphaned children

We hope these reports will shed light on the challenges Syrians face daily to achieve fundamental human rights like housing, safety, and dignity, and that the recommendations included within will inspire Syrian and global communities to work together to create a justice system accessible and accountable to every Syrian.

Executive Summary:

When Saadoun Salman's uncle died, he wished to be buried in his hometown, Daoudia village. Now, when Saadoun Salman, 52, visits his uncle's grave in one of the cemeteries in rural al-Hasakah, where they were displaced after Operation Peace Spring, he mourns his family's failure to fulfill his uncle's wish. The village of Daoudia, which is located in rural Abu Rasen/Zarkan, was bulldozed by the Turkish Army. Most local houses were leveled and replaced by a military base. Salman's family worked hard to fulfill their uncle's wish to be buried in Daoudia, but the Turkish forces stationed there did not allow them to enter the village and told them not to return. Consequently, Salman's uncle was buried in a village near al-Hasakah, where his family was displaced. Salman recalled the traumatic incident to Syrians for Truth and Justice (STJ), saying:

"Following my uncle's death, we contacted locals in Daoudia village asking them to help us bury him there. It was my uncle's will to be buried in his hometown, where our family members are usually buried. The locals indicated their readiness to assist in the funeral ceremonies. They also volunteered to obtain the consent of the Turkish forces in the village to get the dead buried there. An hour later; however, they came and told us that the Turkish official in the village refused to let them enter the village saying: 'no one is allowed to approach the village neither dead nor alive. It is a secure Turkish military base'."

Salman is one of 175,000 people, among them 80,000 children, who were forcibly displaced from their homes as a result of Operation Peace Spring in October 2019, and among many who later realized they could not return.¹

Shortly after Turkey took control over Syria's Afrin region, its allied armed groups began conducting systematic violations against civilians. These violations include looting and arbitrarily seizing properties, especially those belonging to Kurds, to prompt their owners to leave the area.

Turkey's allied armed groups wrote their names or the names of their leaders on property walls to mark them as seized. Seizures were mostly made under the pretext that those properties belonged to members affiliated with the Autonomous Administration or the Syrian Democratic Forces (SDF), backed by the International Coalition in its fight against the Islamic State (IS). Armed groups also seized properties from owners who did not have official property papers, neglecting to recognize that sales in the area are often based on oral contracts and trust between the buyer and the seller.

According to Article 42 of the Regulations Respecting Laws and Customs of War on Land in the 1907 Hague Convention², and the Four Geneva Conventions of 1949,³ Turkey's presence in

¹ See paragraphs (45 to 59) of the report of the Independent International Commission of Inquiry on Syria, which was published on July 7, 2020, at the forty-third session of the Human Rights Council. (Last visited: March 5, 2021). https://www.ohchr.org/EN/HRBodies/HRC/IIICISyria/Pages/Documentation.aspx?fbclid=IwAR0eZ0192X0I4JizGbP57wFYqORjBNFRi_BVp0N5C15if6wCoKOEYqO20wA

² Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, Art 42. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=01D426B0086089BEC12563CD00516887> (last accessed: 5 March 2021).

³ The Geneva Conventions of 1949. <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> (last accessed: 5 March 2021).

Syrian territories and its overall control of parts of it directly or through its proxy militias is considered an occupation. Thus, as an occupying power and a High Contracting Party to the Four Geneva Conventions, Turkey is obliged to ensure the security and safety of civilians in the territories it occupies.⁴

Consequently, the violations cited in this report are considered clear violations of international law, especially international humanitarian law. Most of these violations also constitute war crimes⁵ for which, in addition to state responsibility, individual perpetrators could be held criminally responsible.

Introduction and Methodology:

The right to property is one of the most basic human rights. The denial of this right means the denial of a stable, decent, and safe life. Therefore, properties, whether they are used for housing or for agricultural or commercial investment, are fundamental to people's lives.

Turkish forces and the armed groups of the Syrian National Army (SNA), which are backed by Turkey, took over areas in northern Syria, like Afrin, during "Operation Olive Branch".⁶⁷ Following a second operation, "Operation Peace Spring", the aforementioned forces captured the area between Ras al-Ayn/Serê Kaniyê and Tell Abyad. Afterwards, the region witnessed systematic and widespread violations by the occupying forces against the civilian population. Violations include looting and seizing civilian property, and forcing their residents to surrender their properties by threatening, blackmailing, and even torturing, killing, kidnapping, or detaining them.

On the third anniversary of the occupation of Afrin and the first of the occupation of Ras al-Ayn/Serê Kaniyê and Tell Abyad, STJ obtained recent statements from 12 Syrian civilians (Arabs and Kurds), mostly from the provinces of Raqqa and al-Hasakah, who were affected by property seizures. We concealed the names of witnesses who asked for anonymity. Seven of the witnesses were pursuing legal procedures to verify their property rights in the occupied areas, attempting to

⁴ Ibid., Art. 49.

⁵ Ibid., Art. 147.

⁶ In its first expanded report, following Operation Olive Branch, Amnesty International described the Turkish presence in Afrin as an occupation, speaking about the violations committed by pro-Turkish groups and the Turkish forces themselves. See: "Syria: Turkey must stop serious violations by allied groups and its own forces in Afrin", Amnesty International, 2 August 2018 <https://www.amnesty.org/en/latest/news/2018/08/syria-turkey-must-stop-serious-violations-by-allied-groups-and-its-own-forces-in-afrin/> (last accessed: 5 March 2021).

In the same context, and with regard to Operation Peace Spring, Human Rights Watch described the areas of Ras al-Ayn/Serê Kaniyê and Tell Abyad as occupied territories, talking about illegal transfers of Syrians to Turkey. See: "Illegal Transfers of Syrians to Turkey", HRW, 3 February 2021, <https://www.hrw.org/news/2021/02/03/illegal-transfers-syrians-turkey> (last accessed: 5 March 2021).

⁷ The SNA is directly affiliated with the General Staff of the Ministry of Defense in the Syrian Interim Government of the opposition, which is an organ of the National Coalition of Syrian Revolutionary and Opposition Forces.

For more, see paragraphs (46, 47, 48, 49, 50 and 51) of the report of Independent International Commission of Inquiry on the Syrian Arab Republic (IICISyria). Issued during the forty-fifth session of the Human Rights Council, 15 September 2020, https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx?fbclid=IwAR0eZ0192X0I4JizGbP57wFYq0RjBNFRi_BVp0N5C15if6wCoKOEYqO20wA (last accessed: 5 March 2021)

obtain documents from the Syrian government proving the seizure of their property. Our legal expert reviewed the documents that were provided to the organization, and they varied between:

1. Title deeds (locally known as “green deeds”)
2. Real estate records
3. Real estate area plans
4. Decisions proving ownership issued by Syrian courts.
5. Unofficial outright sale contracts

STJ examined the cases witnesses provided and saw how they violate Syrian laws as well as international law. We also monitored the procedures pursued in official departments in al-Hasakah, noting the extent to which these procedures are consistent with Syrian laws. Using our witnesses’ testimonies and legal experiences, we outlined recommendations that may help preserve civilians’ property rights in Syria.

Recommendations:

STJ heard from victims of the Turkish invasion into northeastern Syria. Mostly civilians, these victims lost their properties by destruction or seizure by force, even at gunpoint. Others had their properties looted or turned into military bases without their permission. In order to strengthen the institutions which will keep these violations from recurring, as well as to hold perpetrators accountable, STJ recommends:

1. To enshrine in the Syrian Constitution the supremacy of international law and obligations over domestic law, especially those set forth in human rights conventions that Syria has ratified, which include the right to property. The national laws must be amended accordingly, and in the case of conflict with national laws and international obligations, the national courts must be able to refer to and directly apply the provisions of those international human rights conventions.
2. Any transitional governing entity that will be formed in the future, must issue a law or a decree to consider all title transfers of real property in occupied territories null, including decisions of local councils and courts located in those areas, and the burden of proof must lie with anyone claiming otherwise.
3. To exert pressure on Turkey, the National Coalition for Syrian Revolutionary and Opposition Forces, and the Syrian Interim Government to stop their affiliated military organs from committing violations against civilians and their properties in the areas they occupy. Additionally, to pressure western and European governments financing and supporting Turkey and its affiliated militias to reevaluate their support while the forces occupy Syrian territory and commit violations against the civilian populace.
4. Carrying out awareness and education campaigns for victims to impress the need to document the violations of their properties, shedding light on the importance to resort to courts and property departments to obtain documents confirming their ownership, and to submit reports at police stations – if necessary – on what occurred. These steps will work to protect victims against fraud, especially victims who were forced to sign papers and contracts stating that they surrendered their property to those who unlawfully seized it.

5. As an occupying power, Turkey should assume its full responsibilities to indiscriminately protect civilians and their property, and respect the dignity and rights of these civilians, including individual property rights, their right to a safe return to their homes, and the restoration of their seized properties, in addition to compensating them for all violations committed against them by Turkish forces or militia members affiliated with Turkey in the territories it occupies.
6. Ensuring impartiality and inclusiveness in documenting human rights violations in all Syrian regions, especially those related to property, and preventing any kind of politicization that may lead to discrimination among victims on the basis of ethnic or national affiliations.

Difficulties and Challenges:

Witnesses recounted some of the challenges they faced when filing complaints and following up legal procedures to verify their property rights in the governmental institutions in al-Hasakah province prior to and during the editing of the present report.

Situational Challenges

Several impediments faced civilians while pursuing legal procedures, including security tension resulting from the military engagements which sometimes occurred in northeast Syria between the Autonomous Administration forces and the Syrian Army or the National Defense Forces allied to the Syrian government. Furthermore, the restriction of movement imposed by the Autonomous Administration on the security zones in al-Qamishli and al-Hasakah, which still retain most Syrian government institutions, including civil registries, for more than two weeks during January and February 2021. The restriction was a response to the embargo imposed by the Syrian government on the Shahbaa area north of Aleppo, which houses tens of thousands of internally displaced people (IDPs) from Afrin, as well as on Aleppo's Kurdish-majority neighborhoods of Sheikh Maqsoud and Ashrafiyye. The embargo prohibited courts and civil registry staff from attending work. These restrictions were subsequently followed by periodic lockdowns imposed on the area due to the Covid-19 pandemic.

Challenges in How Governmental Institutions Handled Complaints

According to witnesses and documents, some Syrian courts in the areas addressed in this paper refused to register property-related cases. The courts argued that they feared accountability since their areas are no longer under the government's control. The courts also cited the inability of judges and property experts to reach and examine the properties cited in lawsuits located in areas occupied by Turkey and allied SNA.

Property Violations in Tell Abyad and Ras al-Ayn/Serê Kaniyê:

Following the withdrawal of U.S. troops from the districts of Tell Abyad and Ras al-Ayn/Serê Kaniyê, the Turkish Army and allied armed groups affiliated to the SNA attacked the districts on 9 October 2019 in a new assault into Syria termed 'Operation Peace Spring'. The assault allowed

Turkey and its allies to fully control Tell Abyad and Ras al-Ayn/Serê Kaniyê on 27 November 2019 and resulted in serious human rights abuses against civilians. More than 100,000 people fled the targeted areas by 11 October 2019, and the number grew to 175,000 people, including 80,000 children, by 22 October of the same year.⁸

As soon as the Turkey-backed SNA groups occupied Tell Abyad and Ras al-Ayn/Serê Kaniyê, they began conducting widespread, systematic violations against civilians. The violations include the destruction and the wanton seizure of properties, especially those belonging to Kurds, under various pretexts in order to drive the indigenous locals out of the area.

Accusing Property Owners with Associating with the Autonomous Administration

Seizing property started in the first days of the Turkish offensive into the area. The Turkish-supported armed groups of the SNA wrote their names or the names of their leaders on estates to mark them as seized. The main allegation which permitted these seizures was that their owners were reportedly affiliated with the Autonomous Administration or the SDF, which the International Coalition supported in the fight against the Islamic State (IS).

STJ met an Arab affected by the seizures. He confirmed that the Levant Front/al-Jabha al-Shamiya seized his house in the city of Tell Abyad following the launch of Operation Peace Spring. He said:

“I fled to Raqqa with my family fearing the Turkish bombardments on our city. Months later, specifically in January 2020, things calmed down. Then, I decided to return to check on my property, but I feared arrest or kidnapping. So, I thought it would be better to send my wife first to inspect the situation there, and that is what happened.”

The man's wife confirmed that members of the Levant Front/al-Jabha al-Shamiya seized their house and settled in it. She also said that all of the house's contents were stolen by anonymous individuals, and parts of it had been arbitrarily destroyed. The witness added:

“My wife asked them to vacate the house for us to return. They responded to her with insults. They would have arrested her on charges of spying for the SDF if it weren't for the intervention of an Arab neighbor who guaranteed to them that she would not do it again. As advised by locals, my wife went to the court of Tell Abyad, established by Turkey, and filed a complaint against the Levant Front/al-Jabha al-Shamiya, specifically the group that seized our house, which is led by a man called Ahmed al-Sa'ed from Idlib. As a result, she was detained for 24 hours on remand. They summoned me to be investigated on the charge of dealing with the SDF directed to me by the Levant Front/al-Jabha al-Shamiya, despite me being a civil trader for years and not involved in any political or military action.”

⁸ See paragraphs from 45 to 59 from the report of the Independent International Commission of Inquiry on the Syrian Arab Republic (IICISyria) of 7 July 2020, the forty-fourth session of the Human Rights Council, https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx?fbclid=IwAR0eZ0192X0I4JizGbP57wFYqORjBNFRi_BVp0N5C15if6wCoKOEYqO20wA (last accessed: 5 March 2021).

The witness added that the same accusation was also directed to his brother, who stayed in his house during hostilities but was forced by the Levant Front/al-Jabha al-Shamiya to surrender it.

Seizing Property from Owners Without Ownership Papers

SNA also seized properties from individuals who did not have official property papers. The seizures ignore the reality that for years many property sales in Tell Abyad and Ras al-Ayn/Serê Kaniyê were made on oral contracts and based on the trust between the buyer and seller, as well as the fact that many Syrians have lost their documents, including property deeds, after over 10 years of conflict and displacement. Furthermore, the SNA is not responsible for deciding property disputes – that is the mandate of an independent and impartial judiciary.

A Kurdish witness met by STJ in January 2021 stated that Sheikh Abu Ali, a commander in the Sultan Murad Division of the SNA, seized his house in the eastern neighborhood of Ras al-Ayn/Serê Kaniyê for not presenting ownership papers. The witness said:

“In mid-December 2019, I returned to Ras al-Ayn/Serê Kaniyê and filed a complaint to the local council there demanding to retrieve my house. I did not bring official papers, including those of ownership, or any property for the fear of them being confiscated by armed groups. The local council approved my request after verifying my identity, and told me that I could return to my house. They gave me a certified written request directed to the military group members residing in my house, asking them to evacuate it, so that I can return.”

However, the military group refused to leave the house, citing the failure of the owner to present ownership papers. The witness added:

“I took the written request and went with an elderly neighbor – he had already returned with his wife to his house located in the same street – to present it to those settling in my house. We were received by Sheikh Abu Ali – a man in his forties with a long beard. I showed him the written request and told him that I wanted to return to my house. Then, he asked me to present the house’s ownership papers to make sure I’m honest, but I told him that I did not bring them with me. My neighbor and two men assured Abu Ali that I am the owner of the house. Keys to the house were with me and my picture with my wife was still hanging on one of its interior walls, but despite this, Abu Ali refused to vacate the house.”

The witness returned to al-Hasakah, where he was displaced with his children and wife following the Turkish offensive into northeast Syria. He fetched the requested papers and succeeded in restoring his home, but it was short lived. Members of the Sultan Murad Division forced him to leave his house, detained him, and beat him for attempting to take the house from them. On this, he said:

“After my return, I did not stay in my house for more than a couple of days. Armed groups hated me for being coerced to leave my house. In late 2019, armed group members stormed my house and beat me in front of my neighbor who was visiting me. Then, they took me to a headquarters of the group in the same neighborhood, run by the official who had seized my house. There, I was beaten and tortured until the morning, without being

charged. Then, they told me to leave the city, or I would be killed. Thus, I went back to al-Hasakah the next day lest I be killed. It is not a big deal for those militias to kill a man, as no one would hold them accountable for that. They always justify their violations against civilians by accusing them of having links with the Autonomous Administration or the SDF.”

The witness sighed and said that he would not return to Ras al-Ayn/Serê Kaniyê as long as it is under the control of Turkey’s proxy armed groups. The groups continue to commit violations against civilians in view of the Turkish forces, who assigned them the control of the region.

Appropriating Property by Intimidation and Extortion

In addition to using the pretext of affiliation to the Autonomous Administration and the SDF, armed groups used intimidation and extortion to seize civilians’ property. Turkey’s allied armed groups arrested civilians for ransom and imposed various taxes on returning properties. The acts prompted locals to displace and abandon their properties, making it easier for armed groups to take over real estate under the pretext of the absence of their owners or investors.

An Arab local from Ras al-Ayn/Serê Kaniyê, nicknamed Yahia al-Moussa, testified to STJ in January 2021:

“Following the launch of Operation Peace Spring on 9 October 2019, I fled Ras al-Ayn/Serê Kaniyê with my family as other locals feared bombardments. After the battle was decided for Turkey and its allies, I decided to return to my hometown on 14 December of the same year. The Sultan Murad Division was in control of the Zaradasht/the southern neighborhood, where my house was located. When I arrived there with my family, members of the group investigated us and took all security measures to verify our situation. Armed groups used to investigate every returnee to the city. We; however, were not investigated for long, given we belong to the Bu Assaf Arab clan.”

On 5 February 2020, less than two months after al-Moussa’s return, members of the Memati Bash Battalion of the Sultan Murad Division arbitrarily arrested his 16-year-old son, Udai. Al-Moussa recounted:

“At midnight and without respecting the privacy of our home, heavily armed men broke into my house. They took me and my son to the headquarters of their group in the al-Sina’a School near the chicken market. The headquarters is run by two men nicknamed Abu al-Mawt and Abu al-Bara’a, who are commanders in the Sultan Murad Division in the city of Ras al-Ayn/Serê Kaniyê. The two men started torturing me and my son in front of each other to extract the confession of working for the SDF. Each time we told them the truth that we had no relationship with the SDF, they tortured us more. Under extreme pressure, I confessed to what they wanted me to for fear of my son’s life. After that the investigator cried to me: ‘Hey, you spy, we will kill you and your son if you don’t pay us 50,000 USD.’

Then I realized the real reason behind our arrest. I told them that I did not have such an amount and cannot secure even half of it. They replied: ‘so, you must surrender your land, house and shop in exchange for your release with your son or you will both be killed.’ I had no choice but to surrender under their threats and pressure fearing for my family. They went to my house and fetched the ownership papers of it and of my land and shop. Then,

they forced me to sign sale contracts and other documents which I did not recognize. After that, we were released after being told to evacuate our house in 48 hours.”

STJ also documented a similar case in which a group of the Levant Front/al-Jabha al-Shamiya, led by Ahmed al-Sae’ed, seized a 250 square meter house of an Arab local of Tell Abyad. The victim’s brother stated to STJ:

“Months after the end of Operation Peace Spring, members of the Levant Front/al-Jabha al-Shamiya arrested my brother for a month. He underwent severe torture before he was forced to sign a sales contract under which he gave up his house in exchange for his release. My brother said that the contract he signed provided the sale of the house for an amount of 11,000 USD. However, he did not get a penny of it. It is a legalization of the arbitrary seizures. The documents remained with the Levant Front/al-Jabha al-Shamiya, to register the house at the municipality established by Turkey in Tell Abyad.”

Destroying Property to Deny Safe Return

Operation Peace Spring resulted in the destruction of numerous properties completely or partly. The destruction was caused accidentally by hostilities or deliberately by Turkish forces and allied armed groups without any military justification. This was the case in the the village of al-Rashidiya, in rural Tell Tamer, north of al-Hasakah, where SNA groups burned, detonated, and destroyed civilians’ houses in the first week of November 2019.



Image 1 – Satellite image of al-Rashidiya Village from 10 November 2019, soon after it was captured by the SNA.



Image 2- Satellite image of al-Rashidiya Village which STJ's local sources received from members of the SDF, originally from a military GPS device, date unknown.

A local of the al-Rashidiya village, Khalil Mulla, gave an exclusive video statement to STJ. He confirmed the burning of all nine houses in the village, including one detonated and another destroyed, one of them his.

"Before the Turkish invasion we used to live in our village al-Rashidiya of Tell Tamer. Our conditions were normal and getting better. We remained in the village even after the launch of Turkey's offensive until 29 October 2019, when it was attacked by armed groups loyal to Turkey. Then, we fled, as we did not dare stay," he said.

According to Mulla, the Turkey-backed armed groups looted all the contents of the village's houses and stores, as well as seizing lands and crops. Mulla learned about this through images of his house's contents sent to him by a member of the SNA. The latter tried to extort money from Mulla in exchange for sending him his own furniture and not burning it:

"After our displacement, a fighter of the SNA called me. I do not know how he got my phone number; maybe from the library in my house before it was detonated. The fighter tried to blackmail me into sending him a large sum in exchange for sending me my house's contents. Actually, I could not afford that sum, and I knew that my property would not be returned to me by them even if I paid. So, why should I lose twice?"

Mulla added:

"That fighter tried to extort me in another way. He told me that he had photos of me and my family members and other private stuff from my house. I asked him for a proof of having

my house's contents, but he sent me photos of my house burned and said that it had been detonated."

Khalil also reported that the SNA fighters cut down most of the village's trees to use them for heat in the winter. After all his property was seized, Mulla ended up displaced with his family in the Washokani/al-Twaina camp. He concluded:

"No one of the village's locals has tried to return to it. The fighter who used to call me said once: 'Come back to your houses, you are civilians, we would not harass you.' But yet, we did not dare to return, for he who burns your house or blows it up and seizes your property, may do anything against you when you are in his hands. Locals of the nearby villages, including Arabs, did not dare to return also in light of the violations committed by the SNA groups. I heard about a local who was arrested, tortured, and severely beaten by SNA fighters after returning to his village. He was later released for a ransom. Therefore, no one would dare return and risk his life."

Furthermore, in the village of Daoudia, Turkish forces bulldozed civilians' houses to build a military base. Daoudia village is located in rural Abu Rasen/Zarkan and once held more than 50 homes. Half of the houses were deliberately destroyed by Turkey and others were transformed into barracks for Turkish fighters.



Image 3 - Analysis from the [UNHRC](#) documenting the destruction of houses in the village of Daoudia occurring by 8 May 2020.

Saadoun Salman, a local of Daoudia, agreed to give STJ a statement for the purpose of this paper, about bulldozing and destroying numerous houses in the village. He said:

“We fled Daoudia on 18 October 2019, hours before the entry of the Turkish forces and allied armed groups of the SNA. We displaced to al-Hasakah, and kept following the village’s news through our neighbors in the nearby villages. They were mostly Arabs, as most of them did not leave their houses since they were not targeted the way we, the Kurds, were, during and after the Turkish offensive.”

After being displaced, villagers learned about what was being done to their village through a report which aired on a Turkish TV channel. Saadoun recounted:

“We saw images on social media, including ones taken by satellites, showing how earthen berms were built around the village and showing sites prepared for tanks and artillery. In addition, a Turkish TV channel aired videos and photos from the military base established in our village. We saw that the Turkish Army placed large cannons behind mine and my uncles’ houses and in the front of the village.”

Turkey leveled houses to establish a military base and seized others to settle its fighters; hence, it prevented locals from returning to the village. Saadoun concluded:

“Turkey bulldozed nearly three quarters of the village and leveled it, including the homes, until the village’s features changed. Now, we have trouble recognizing it. Houses which were not bulldozed like mine and my uncles’ were transformed to barracks. They might have bulldozed them as well if they did not need to live there themselves.”



Image 4 – Satellite image of Daoudia village taken 17 May 2019. Red lines signify berms visible on 27 Dec 2020, Green squares signify buildings visible on 27 Dec 2020.

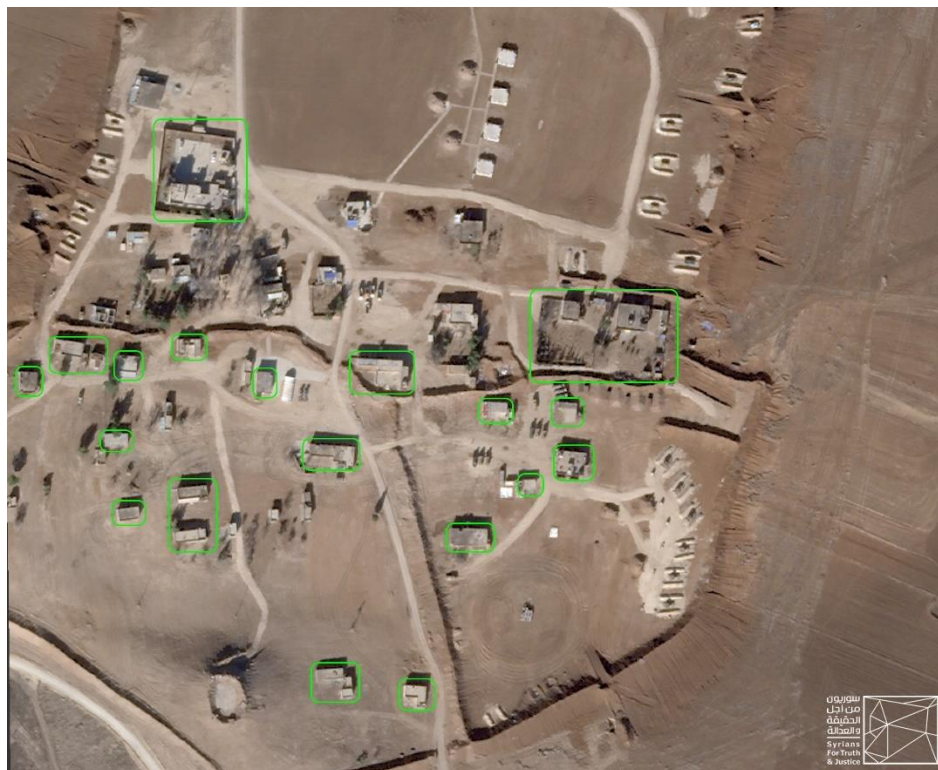


Image 5 – Satellite image of Daoudia village from 27 December 2020. Visible buildings 27 Dec 2020 are marked in green. Image courtesy of Planet Labs Inc.



Image 6 – Satellite image of Daoudia village from 27 December 2020, after the destruction of buildings following Operation Peace Spring exclusive to STJ. Image courtesy of Planet Labs Inc.

While homes like Saadoun Salman's were seized, many more were destroyed in the city of Ras al-Ayn/Serê Kaniyê by Turkish airstrikes during Operation Peace Spring. Rashid-al-Mohammed, who is currently staying with his family in the city of Qamishli/Qamishlo, narrated to STJ how his home had been completely demolished during Operation Peace Spring:

"I used to work in construction in Ras al-Ayn/Serê Kaniyê. On 9 October 2019, before evening, I fled with my family and neighbors towards Tell Tamer. As soon as we left, the city went into hell; Turkey started bombing it heavily. We stayed in my sister's house in Tell Tamer for ten days, but the situation was no longer stable there either, so we were all forced to flee towards Qamishli/Qamishlo."

About a month after his displacement, Rashid al-Mohammed received unclear photos from his relatives who returned to Ras al-Ayn/Serê Kaniyê, showing his house partly damaged. However, when Rashid went with his wife back to his hometown, he was shocked to see his house completely destroyed.



Image 7 - Pictures of Rashid al-Mohamed's home, demolished during Operation Peace Spring.



Image 8 - Pictures of Rashid al-Mohammed's home, demolished during Operation Peace Spring.

He said:

"In late November 2019, I decided to return with my wife to my city to check on my property. I barely managed to reach my house, and was shocked to see it leveled and all its contents turned into rubble. It no longer exists. It was clear that my house was destroyed by an air strike. My neighbors told me that that it was destroyed on the fourth or the fifth day of the Turkish offensive."

Rashid al-Mohammed confirmed that neighboring houses were also completely or partly destroyed as a result of bombardments conducted by Turkish jets in the first days of Operation Peace Spring. He continued, holding the keys to his house in one hand and its ownership papers in the other:

"I only have the keys left from my house and ownership papers. When I come across someone from Ras al-Ayn/Serê Kaniyê we always talk about return, as it occupies our minds. Every displaced person longs to return to his home. For me, I feel sad and there is a question that keeps coming to my mind: what would I go back to? My house became rubble, it no longer exists. Where would I live if I returned?"

How Can Victims Pursue Legal Complaints to Retrieve Stolen Property?

Victims whose real estates were seized or destroyed by Turkey and its allied SNA groups sought legal ways to retrieve their property. They filed complaints to official departments, including courts in northeastern Syria, police stations, and others. Courts registered some of the victims' complaints but refused others for fear of the security services.

Cases Registered in Syrian Courts

A victim recounted to STJ about her attempt to establish ownership of her property located in the city of Ras al-Ayn/Serê Kaniyê in Syrian courts:

“I bought real estate in the city Ras al-Ayn/Serê Kaniyê under a contract between me and the seller but did not officially establish my ownership to it. However, when I fled the city following Operation Peace Spring, I left behind all the documents related to the property, including the contract I signed with the seller. Hence, I hired a lawyer and filed a lawsuit to establish ownership of the estate. I faced the seller before the court and he confirmed the occurrence of the sale. Thus, the court placed a charge on the property and issued a decision confirming the sale, as I requested.”

This judicial decision established the victim's ownership of the property. Thus, in the event of a safe and neutral environment, she can retrieve her property from whoever took it. She also can refute any forged sale contract armed groups may present claiming ownership of the property.

Cases that Syrian Courts Refused to Register

A witness who was displaced as a result of Operation Peace Spring spoke to STJ in February 2021. He said that he tried through his lawyer to undertake a summary procedure and bring a case named 'describing the current situation' to determine the status and the ownership of a property. The procedure is important because the property currently lies under Turkey and its allies' control, and if successful, could allow the owner to demand compensation– in the event of reaching a political agreement, and achieving a safe and neutral environment – if his property were damaged, destroyed, or seized. However, the court refused to register his case for the owner's failure to identify the defendant, according to article 95 of the Civil Procedure Law No.1 of 2016.

STJ also listened to other victims who tried to bring claims before Syrian courts to verify the seizure of their property by Turkey-supported SNA groups. The competent Syrian government courts; however, refused to register these cases or to hear witnesses testifying the reality of the property's situation, under various arguments and without any legal justification.

Legal Analysis

The Perspective of International Law

According to Article 42 of the Regulations Respecting the Laws and Customs of War on Land in the 1907 Hague Convention,⁹ Turkey's presence in Syrian territories and its overall control of parts of it directly or through its proxy militias is considered an occupation. As clearly stated in Common Article 2 to the four Geneva Conventions of 1949,¹⁰ such a situation is governed by the international humanitarian law of international armed conflicts. Hence, as a High Contracting

⁹ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, Art 42.

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=01D426B0086089BEC12563CD00516887>

¹⁰ Ibid., Art. 1.

Party and an occupying power, Turkey is obliged to respect the Geneva Conventions and to ensure that they are respected in all circumstances, as stipulated in Common Article 1 common to the four Geneva Conventions.¹¹

Accordingly, the violations referred to in this report against civilians, as protected persons, and their properties within the occupied territories constitute clear violations of international humanitarian law and, in most cases, grave breaches of the Geneva Conventions, which are also considered war crimes.

Article 49 of the Fourth Geneva Convention obliges the occupying power to take responsibility for the security and safety of civilians in the territories it occupies.¹² Article 147 of the same Convention states that acts such as “willful killing, torture, inhuman treatment,[...] unlawful deportation or transfer or unlawful confinement of a protected person [as well as] extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”, are considered grave breaches of the Geneva Conventions.¹³ In addition to state responsibility, according to Article 146 of the Fourth Convention, such grave breaches also entail individual criminal responsibility, and requires all State Parties to the Convention to prosecute all “persons committing, or ordering to be committed,” any of the aforementioned breaches.¹⁴

In addition to seriously violating the Geneva Conventions, cases discussed in this report testifying to the wanton destruction and seizure of civilian property are also considered war crimes according to Article 8 (2) (b) (13) of the Statute of the International Criminal Court (the Rome Statute of 1988).¹⁵ The prohibition of such breaches has been affirmed as one of the rules of customary international law binding all states, groups and individuals in international as well as non-international armed conflicts, according to Rule 50 of the (ICRC) Customary International Humanitarian Law rules.¹⁶

The cases of pillaging and lootings discussed in this report are also considered violations of international humanitarian law according to Article 33 of the Fourth Geneva Convention of 1949, which absolutely prohibits pillage as well as reprisals against protected persons and their property. This categorical prohibition of pillaging is also based on Articles 28 and 47 of the Hague Regulations Respecting the Laws and Customs of War on Land in the 1907 Hague Convention.¹⁷ Such violations are considered war crimes on the basis of Article 6 (b) of the

¹¹ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, Art 42.

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=01D426B0086089BEC12563CD00516887>

¹² Ibid., Art. 49.

¹³ Ibid., Art. 147.

¹⁴ Ibid., Art. 146.

¹⁵ The Rome Statute of 1988, Art. 8 (2)(b)(xiii).

<https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

¹⁶ ICRC, Customary IHL Database, Rule 50.

https://ihl-databases.icrc.org/customary-ihl/ara/docs/v1_rul_rule50

¹⁷ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907. Art. 28 and 47.

Charter of the International Military Tribunal (Nuremberg),¹⁸ as well as Article 8 (2). (B) (16) of the Rome Statute of 1988.¹⁹ The prohibition of pillaging is considered one of the norms of customary international law, binding on all states, groups, and individuals in international as well as non-international armed conflicts, according to Customary international Humanitarian Law, Rule 52.²⁰

With regard to the property rights of displaced persons, Article 46 of the Hague Regulations states that “[f]amily honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.”²¹ Respect for the property rights of refugees and displaced persons has been recognized as a rule of customary international law (Rule 133), binding on all states, groups, and individuals in international as well as non-international armed conflicts²².

The private property rights of refugees and IDPs recently became the focus of the international community’s attention due to its inextricability to most other human rights that international treaties aim to protect and guarantee. Personal property rights were among the central issues that were raised and dealt with in the context of armed conflicts and peace processes in Yugoslavia, Afghanistan, Colombia, Cyprus, Georgia, and Mozambique²³. Most of these contexts emphasized the right to property as a fundamental right that must be respected and condemned its violation. Furthermore, the Guiding Principles on Internal Displacement stipulates that “[p]roperty and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation, or use²⁴.”

The property rights of refugees, IDPs, and forcibly displaced victims of armed conflicts was affirmed in the Customary IHL Rule 132 which stresses that displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist²⁵.

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=4D47F92DF3966A7EC12563CD002D6788>

¹⁸ Charter of the International Military Tribunal (Nuremberg), Art. 6 (b).

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf

¹⁹ The Rome Statute of 1988, Art. 8 (2)(b)(xvii).

<https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

²⁰ ICRC, Customary IHL Database, Rule 52.

https://ihl-databases.icrc.org/customary-ihl/ara/docs/v1_rul_rule52

²¹ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, Art. 46.

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=E719FBF0283E98E3C12563CD005168BD>

²² ICRC, Customary IHL Database, Rule 133.

https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule133

²³ Ibid.

²⁴ Guiding Principles on Internal Displacement, Principle 21(3).

<https://www.unhcr.org/43ce1cff2.pdf>

²⁵ ICRC, Customary IHL Database, Rule 132.

https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule132

This right was also affirmed in Article 49 of the Fourth Geneva Convention, Article 13 (2) of the Universal Declaration of Human Rights,²⁶ in addition to Article 12 (4) of the International Covenant on Civil and Political Rights of 1966²⁷.

The right of return for IDPs and forcibly displaced persons to their land and homes is a fundamental human right, especially in conflict areas, which must be preserved to ensure the sustained success of any peace process or transitional justice. The case of the Palestinian people and their right to a safe and dignified return is an important example to consider.

Notably, lootings, the destruction of property, and the arbitrary arrests and abuses against civilians directly contributes to the continued displacement of Syrian civilians, especially in occupied territories, and in-and-of itself constitutes a violation of international humanitarian law under article 49 of the Fourth Geneva Convention.²⁸ Any displacement of civilians by the occupying force would be considered a war crime in accordance with Article 6 (b) of the Charter of the International Military Tribunal (Nuremberg),²⁹ as well as Article 8 (2) (b) (8) of the 1988 Rome Statute.³⁰

The violations mentioned in this report, which do not differ in nature from those committed by the Syrian regime, are clearly being carried out in a widespread and systemic manner. This qualifies such violations to be considered as “crimes against humanity” as described in Article 6 (c) of the Charter of the International Military Tribunal (Nuremberg)³¹, as well as in Article 7 of the Rome Statute of 1988.³² Furthermore, as these violations have been targeting mostly Kurdish people in the occupied areas, the adverse distinction is also considered a violation of international humanitarian law. To elaborate, Article 27 of the Fourth Geneva Convention states that “all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion, or political opinion.”³³ Similarly, these discriminatory actions clearly violate the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965³⁴.

Additionally, it is necessary to note that Turkey is legally obliged to respect all its treaty and customary international obligations. Not only those relating to armed conflicts, but also all treaties

²⁶ Universal Declaration of Human Rights, Art. 13 (2).

<https://www.un.org/en/universal-declaration-human-rights/>

²⁷ International Covenant on Civil and Political Rights of 1966, Art. 12 (4).

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

²⁸ The Fourth Geneva Convention of 1949, Art. 49.

<https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

²⁹ Charter of the International Military Tribunal (Nuremberg), Art. 6 (b).

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf

³⁰ The Rome statute of 1988, Art. 8 (2)(b)(viii).

<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

³¹ Charter of the International Military Tribunal (Nuremberg), Art. 6 (c).

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf

³² The Rome statute of 1988, Art. 7.

<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

³³ The Fourth Geneva Convention of 1949, Art. 27.

<https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

³⁴ International Convention on the Elimination of All Forms of Racial Discrimination of 1965.

<https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

of international human rights law, which remain in force even in cases of armed conflicts, including those beyond its borders, particularly in cases of occupation regarding the treatment of civilians or their property which are in Turkey's power and under its de facto authority.

The Turkish State is therefore directly responsible for all the violations and crimes shared in this report. Turkey must put an end to crimes against protected persons, civilians, and their property in the territories it occupies. According to Article 146 of the Fourth Geneva Convention, the Turkish state is obliged, as a High Contracting Party and an occupying power, to prosecute all "persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts."³⁵ Turkey must also assume its full responsibilities in protecting civilians and their property, respecting civilians' dignity and all their rights, including individual property rights and their right to return to their homes, and should compensate civilians for the violations committed against them by its forces or the militias allied with it in the territories it occupies.

The Perspective of Syrian Law

The aforementioned appropriations of property are considered violations of the Syrian constitution, which states in Article 15 that collective and individual private ownership shall be protected and shall not be removed except in the public interest and against fair compensation. The majority of the seizures conducted in the areas addressed in this report were made with no compensation. Additionally, seizing properties and expelling their owners to settle non-local families breaches Articles 18, 19 and 33 of the Syrian Constitution, which affirm the principle of equality among all citizens. SNA militias' decision to prevent civilians from returning to their stolen homes constitutes a clear violation of Article 38 of the Constitution, which stipulates that no citizen may be deported from the country, or prevented from returning to it, as well as violating Article 50 which considers that the rule of law shall be the basis of governance in the state.

Moreover, the abovementioned violations violate Article 771 of the Syrian Civil Code promulgated by Legislative Decree No. 84 of 1949, which affirms that no one may be deprived of his property except in cases determined by law, and in return for fair compensation. The violations also breach Article 768 of the same Code that says: "the owner has the sole right, within the limits of the law, to use, exploit and dispose of his/her property", and Article 770 which confirms, "the owner of a property has the right to all its returns, products, and attachments, unless there is a text or agreement which states the contrary."

In addition, Articles 723 and 724 of Syria's Special Penal Code clarify that punishment for the crime of property extortion is imprisonment for up to six months for anyone who does not carry a document of ownership or disposition and seizes either property in whole or in part. The penalty doubles to one-year imprisonment if the crime is accompanied by a threat or coercion against the targeted property owner. Prison time increases to three years if the extortion is committed by a group of two or more-armed people. Article 635 of the same Code imposes a sentence of three months to two years imprisonment with hard labor on anyone who threatens or forces another to put his/her signature on a document or to write one which contains a pledge or a discharge, harms

³⁵ The Fourth Geneva Convention of 1949, Art. 146.

<https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

the wealth of the person who is the subject of the act or the wealth of someone else. The penalty increases to three years to fifteen years with hard labor if the perpetrator threatens the victim with a weapon.

Entry into people's places of residence without their consent, which occurred in the vast majority of cases that were documented by STJ, constitutes a crime of breaching the sanctity of a home according to Article 557 of the Syrian Penal Code. In addition, theft of movable assets in real estate that has been seized, according to what some witnesses have reported, constitutes the felony of theft with violence stipulated in Article 624 of the Penal Code, and sometimes constitutes the felony of theft by means of breakage and dislocation stipulated in Article 625 of the Penal Code³⁶.

Furthermore, the refusal by some judges to register the case in the court's office constitutes a denial of justice, which allows stakeholders to quarrel with these judges, according to Article 466 of the Code of Civil Procedure No. 1 of 2016, which states that:

"Filing civil proceedings against judges and representatives of the public prosecutor are acceptable in the following cases (Paragraph B ...): if the judge refuses to answer a summons presented to him or to decide on a case ready for judgment."

However, it is impossible in the current circumstances to file against judges in Syria for fear of prosecution, especially when it comes to cases related to real estate located in areas outside the control of the Syrian government.

³⁶ Article 557 stipulates that "Whoever enters the house or the dwelling of someone else or their attachments contrary to his/her will, as well as that who stays in the aforementioned places contrary to the will of the one who has the right to exclude him from it, shall be punished with imprisonment for a period not exceeding six months and shall be sentenced to three months imprisonment- up to three years if the act occurred at night or by breakage or violence on persons or by using weapons or conducted by several people together.

Article 624 stipulates that "If the theft is accompanied by violence against persons, whether to prepare the crime or facilitate it, and whether to secure the escape of the perpetrators, or to seize the stolen property, the perpetrator shall be punished with temporary hard labor."

Article 625 states that "anyone who steals in locked places in the walls, whether inhabited or not, whether by dislocation, climbing inside or outside, using manufactured keys, by any special instrument or by entering the places mentioned other than the usual way of entering them, shall be punished by temporary hard labor.



Our team of researchers and volunteers at Syrians for Truth and Justice are dedicated to uncovering human rights violations in Syria. Believing that diversity has historically defined and benefitted the country, we work everyday to promote inclusivity and justice to ensure that all Syrians are represented, and their human rights secured.