

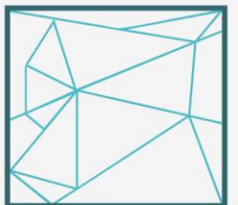
Jindires/Afrin: The Nowruz Murder Trial in the Shadow of Wider Violations and Impunity



- The Jaysh al-Sharqiya/Eastern Army is involved in multiple other violations, including human trafficking and imposition of royalties, boosting its finances while exacerbating the Kurdish community's woes in Türkiye-occupied areas

March, 2024

سوريون
من أجل
الحقيقة
والعدالة
Syrians
For Truth
& Justice





Jindires/Afrin: The Nowruz Murder Trial in the Shadow of Wider Violations and Impunity

The Jaysh al-Sharqiya/Eastern Army is involved in multiple other violations, including human trafficking and imposition of royalties, boosting its finances while exacerbating the Kurdish community's woes in Türkiye-occupied areas



On 17 January 2024, [al-Ra'i Courthouse](#) issued nine different sentences against individuals involved in the killing of four Kurds—all from the same family—in Jindires town in Afrin's suburbs on the eve of 20 March 2023.

That night, members from the Jaysh al-Sharqiya/Eastern Army—operating under the banner of the Liberation and Building Movement (LBM) affiliated with the opposition's Syrian National Army (SNA)—shot and killed Farah al-Din Othman, his two brothers Nazmi Othman and Muhammad Othman, and his son Muhammad Othman, for lighting a fire in celebration of the Kurdish New Year, Nowruz.

Notably, the al-Ra'i Courthouse is affiliated with the Syrian Interim Government (SIG) and located in Aleppo's northern countryside, or the so-called Euphrates Shield strip, often classified as Türkiye-occupied by several international independent rights groups. The court issued death sentences against four of the convicts; three years in prison against the other four; and acquitted the ninth ten months after the killing happened. All nine individuals are from the Jaysh al-Sharqiya/Eastern Army.

Quoting exclusive intel from an [anonymous source](#), *Syria TV* said “The court convicted the defendant Bilal al-Abboud of homicide committed with a view to facilitating the flight of perpetrators of a felony under Article 535(b) of the Penal Code, and the defendants Omar al-Asmar, Habib al-Khalaf, and Abdullah al-Abdullah of complicity in homicide committed with a view to facilitating the flight of perpetrators of a felony under Article 535(b) and in reference to Article 212 of the Penal Code, sentencing all four to death by hanging.”

The same source told *Syria TV* that the court also sentenced Ahmad al-Hawas, Fadi al-Mustafa, Sadam al-Misslett, and Ali al-Dabe' to three months in prison for “hiding the perpetrator of a crime under Article 221 of the Penal Code and acquitted the defendant Ali Jijan al-Khalaf (Habib's father) for lack of evidence.”

Notably, the court declared Ali Jijan al-Khalaf—an officer in charge of one of the Jaysh al-Sharqiya/Eastern's security offices and known as Abu Habib—innocent, even though several sources that Syrians for Truth and Justice (STJ) met for a previous [report](#) emphasized his involvement in the crime. One source said he saw Abu Habib passing weapons to his son and those with him to attack the victim, Nazmi, stressing that “Abu Habib is the murderer and the primary perpetrator in this crime.” A second source, from Jaysh al-Sharqiya/Eastern Army, said that the quarrel with the victims was incited by Abu Habib. For her part, Rushin Muhammad Othman, the sister of the three killed brothers, called Abu Habib “the true villain and ultimate murderer.”

Celebrating the court decision, Major Hussein Hammadi, the LBM's Political Officer, [tweeted](#), “The judiciary had rendered its verdict in less than a year after the Jindires murder,” thanking all those who had a part in the accountability efforts, especially “the LBM, both members and commanders, and the brothers at the Ministry of Defense, Military Police, and Military Justice Department.”

The local authorities continue to celebrate the “triumph of justice”, ignoring entirely the circumstances that surrounded the court proceedings and, most importantly, the environment of impunity fostered by the Türkiye-backed SNA, which has rendered the region a hotspot for countless human rights violations, including the Jindires murder. The bulk of these violations are kept under wraps, and perpetrators are never held accountable or are subjected to formal legal measures, especially if they are members of the multiple SNA armed groups. Formal legal action often aims at insulating the authorities and armed groups from criticism or polishing their image.

In this report, STJ uncovers the circumstances that surrounded the proceedings of the Jindires murder trial, especially the many pressures the family members of the victims were exposed to

by the local authorities. Additionally, STJ unveils a few of the countless violations the Jaysh al-Sharqiya/Eastern Army continues to commit with impunity, shedding light on the adverse impact these violations have on the community in the army-controlled areas.

The report builds on five testimonies obtained by STJ's field researchers from two sources close to the victims' family members and three military sources from the Jaysh al-Sharqiya/Eastern Army.

Attempts at Coercing the Family into Abandoning the Case

Usama Said,¹ a friend of one of the victims' brothers, told STJ the family was repeatedly "intimidated" and suffered from all manners of pressure throughout the trial, which extended over seven hearings. They were tormented by members of the Jaysh al-Sharqiya/Eastern Army while being harassed even within the courtroom.

Usama added that the biggest challenge the family faced was their inability to bring non-family witnesses to the court after the judge deemed family members' testimonies insufficient since they are "blood relatives" of the victims. Usama stressed that potential witnesses all feared the Jaysh al-Sharqiya/Eastern Army's reprisals:

"The family of the victims reached out to witnesses, including neighbours. However, the witnesses were so scared that testifying might lead to their arrest or death. Therefore, their neighbour, who saw the full murder, refused to attend the hearings. One female neighbour agreed to go to court and testified despite her fear."

While key witnesses refrained from appearing on the side of the family, Usama said that multiple witnesses, among them fighters and commanders from the Jaysh al-Sharqiya/Eastern Army, flocked into the courtroom to testify in favor of the defendants.

Usama added that the defendants' attorney intensely provoked the victims' relatives during the hearings and accused them of "supporting the Kurdistan Workers' Party (PKK), even though none of the family members are affiliates of the PKK." Notably, the accusations the attorney attempted to push against the victims' relatives pose grave threats to their lives. In a November 2023 [report](#), STJ documented the extensive use of alleged links with the PKK by several SNA armed groups as a pretext to arrest and torture residents of the Afrin region, particularly Kurds, and also to confiscate their properties.

Usama also recounted an instance of physical violence and abuse the victims' family members suffered at one of the Military Police checkpoints on their way to the first hearing:

"Once [the personnel at the checkpoint] identified them as the relatives of the victims, they asked them to step out of the vehicle for inspections. They started insulting them right away and deliberately hit the brother. The female family members had to get out of the vehicle to plead with them to stop beating him. The Turkish officer [at the checkpoint] intervened, ended the beating, and allowed them to proceed. They reported that to the judge, who said, 'These are individual lapses; we will ask the Military Police Department to address the matter'".

The family did not face harassment at the checkpoint again. Nevertheless, neither the court nor the local authorities sought to protect the victims' relatives from the Jaysh al-Sharqiya/Eastern Army. Usama said that individuals from the Army attacked his friend's son during the trial:

"They broke his arm in one of the attacks. They ran a vehicle over his arm. This happened after a military vehicle carrying four members from the Jaysh al-

¹ The source chose to use a pseudonym during an online interview on 12 December 2023.

Sharqiya/Eastern Army harassed him at night. Also, bullets were fired in front of my friend's window, who said, 'These instances of intimidation are intended to coerce us into abandoning our rights, which will ultimately lead to the release of the murders'".

For her part, Zahra Hanan,² a female neighbour of the family, conveyed the concerns of the relatives of the victims after the court rendered its verdict:

"One of their concerns is that [the defendants] would appeal the verdicts again and [the court] would convert the sentences from death—which has never been implemented in northern Syria—to life in prison, and then convert it again to 10 or 15 years in prison. They also fear that the defendants will not remain in prison and are anxious that they will be smuggled out."

In a [report](#) issued after the verdict, an unnamed legal source residing in Aleppo's countryside told *Enab Baladi* that defendants receive "suspended death sentences in the SIG-run areas. Courts in Aleppo's countryside have issued a hundred such suspended death sentences."

Zahra added that the victims' relatives are currently preparing to **"appeal Abu Habib's sentence and demand his execution, being the master mind and since several witnesses have testified against him. They also want to demand the implementation of the [other four] death sentences,"** as they consider the court verdicts **"grossly unfair."** The court did not release Abu Habib, even though he was acquitted for lack of evidence.

Notably, STJ quoted the family's demand for the implementation of the death sentence as part of the source's testimony. STJ highly respects the family's right to express their concerns and frustration over the trial's outcomes while reiterating its position in support of the universal abolition of the death penalty in line with the 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights.

Furthermore, STJ underscores the principles on which the UN Human Rights Office has based its position and advocacy for the universal abolition of the death penalty.

Was the Trial Duly Conducted?

The court rendered its verdict in a context where the victims' family members were intimidated and left unprotected. The involved armed group repeatedly threatened the family—four of the group's individuals even harassed a relative of the victims at night and broke his arm—while the court was reluctant to take any action to protect them. This corroborates the armed group's desire to terrorize the victims' relatives as plaintiffs in the case and weaken their resolve to pursue their claim. Beyond its impact on the family, this conduct was sufficient to heighten the fears of the non-family witnesses, which has indeed been confirmed by the statements STJ obtained, as one of the victims' neighbours, who is a principal witness in the case and saw the entire incident unfold, refused to attend the court to give his testimony. These circumstances lead STJ to question the court's compliance with the legal requirements and standards stipulated in Syrian laws and relevant international covenants and conventions.

Additionally, the court's relegation of the victims' family's testimonies as insufficient on the pretext that they are "blood relatives" and its subsequent request that they summon non-family witnesses prove the court's complete lack of independence, impartiality, and integrity. The

² The source chose to use a pseudonym during an online interview on 18 January 2024.

pretext—relation by blood—does not exist in Syrian law as a factor that warrants disregarding testimonies. Furthermore, Syrian law does not establish a ban on hearing the testimonies of the family members of the plaintiffs as witnesses. The law allows considering and assessing such testimonies based on each case’s merits and specific circumstances. Moreover, plaintiffs can be witnesses themselves after they are duly sworn.

On the contrary, the ban the Syrian law stipulates on hearing testimonies of family members—whether ascendants, descendants, brothers, sisters, in-laws, husbands, or wives, even after a divorce—applies to defendants, not plaintiffs, under Articles 193 and 292 of the Criminal Procedure Code. If the courts, including military courts, in the area where the murder happened apply Syrian laws, as the former SIG Minister of Justice [claims](#), then they are legally obligated to listen to the testimonies of the relatives of the victims, even if they are plaintiffs, and consider these testimonies admissible if assessed as convincing and consistent with the circumstances and merits of the case. The court cannot, under any circumstances, ask parties to the case to summon other witnesses or provide additional evidence. If it does so, it would have departed from the critical core principle of impartiality. Notably, the lack of independence of the judiciary in the Türkiye-occupied areas is also corroborated by the Turkish government’s direct interference in appointing judges working in those areas and paying their salaries.³

Furthermore, armed groups—including the Jaysh al-Sharqiya/Eastern Army—play a significant role in the appointment of judges, particularly those serving on military courts. The SIG former Minister of Justice emphasized that “these armed groups nominate whomever they deem appropriate to work in the military justice department,” notwithstanding his [denials](#) that the armed groups are meddling in the legal system. Since the armed groups are taking part in selecting judges, there is no doubt they are significantly meddling in their work and confining them to their own perspectives. In fact, the armed groups would not propose nominees for such a role unless their allegiance was ensured in advance.

Within this perspective, the courts established in those areas, including the military court that rendered the verdict in the Jindires murder case, did not respect the minimum legal conditions required for a fair trial, as it asked the family to bring non-family witnesses on the grounds of their blood connections to the victims. This further demonstrates the court’s non-adherence to the minimum standards required to achieve independence, integrity, and impartiality stipulated in the [UN General Assembly’s Basic Principles on the Independence of the Judiciary](#), [the Universal Declaration of Human Rights](#), and [the International Covenant on Civil and Political Rights](#).

Notably, the conditions of the court’s integrity and independence are indispensable under the provisions of international law. For the court to be independent, it must be able to perform its work entirely independently of any other branch of authority, especially the executive authority.⁴ Simultaneously, the court’s integrity is contingent on the integrity of the judges, who “must not harbor preconceptions about the matter put before them” and “must not act in ways that promote the interests of one of the parties.”⁵

³ The Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/40/70, 31 January 2019, paras. 69&70. Available from: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F40%2F70&Language=E&DeviceType=Desktop&LangRequested=False>

⁴ Human Rights Committee, *Bahamonde v. Equatorial Guinea*, Views, Communication No. 468/1991, CCPR/C/49/468/1991, 20 October 1993, para. 9.4.

⁵ Human Rights Committee, *Kartunnen v. Finland*, Decisions, Communication No. 387/1989, CCPR/C/46/D/387/1989, 05 November 1992, para. 7.2.

The Jindires Murder is Only the Tip of the Iceberg

In an area where impunity prevails, the Jindires murder was not the only violation fighters from the Jaysh al-Sharqiya/Eastern Army have perpetrated. In a March 2024 [report](#), STJ documented the public flogging of a young man in al-Bab city in Aleppo's northern countryside for "insulting God." Denied a proper trial, the young man was flagellated by several fighters from the Jaysh al-Sharqiya/Eastern Army, which one of the report's sources said was condoned by the Army that attempts to revive the Islamic State's (IS) ideology in the region.

A tight bond exists between the Jaysh al-Sharqiya/Eastern Army and several IS fighters and commanders, according to Abu Jamal,⁶ a high-ranking source within the Military Police. Abu Jamal stressed that the Army offers protection to remaining IS fighters and had previously warranted the free movement of a key IS commander within the territories it controls. **"Commander Maher al-Agal—[killed](#) in an airstrike by the U.S.-led Coalition against Daesh—identified himself as a member of the Jaysh al-Sharqiya/Eastern Army at the area's checkpoints and always carried a military authorization issued by the Army."**

Notably, the broader practices of the Jaysh al-Sharqiya/Eastern Army, warranted by impunity, motivate the many violations, including the Jindires murder, the local communities suffer in its areas of operation. The Army is involved in human trafficking and the imposition of royalties on farmers, which have become major financing sources to the Army as a whole and to its individuals, along with the fuel, arms, and drug trades, according to several sources from within the Army.

Abu Muhanad,⁷ a former commander within the Jaysh al-Sharqiya/Eastern Army, said that the Army's groups are considered the most active in human trafficking through the Syria-Türkiye border, in both Jindires town in the Afrin region and Ras al-Ayn/Serê Kaniyê in al-Hasakah province. He added that these groups even use the Army's facilities in both areas to "assemble people" before they are smuggled through the border for amounts ranging between 300 and 3000 USD based on how loose or tight security on the Turkish side is. Revealing the smuggling agreements within the Army, Abu Muhanad Siad:

"Each group's commander runs his own trafficking business with full independence and pays the Army taxes for every person they successfully smuggle from the areas they operate into Türkiye."

Related to human trafficking, Abu Muhanad said these groups detain or kidnap some of the individuals, including women and children, desiring to cross the border to ask for ransoms in exchange for their release, adding that the groups tend to **"hold these people at the prisons of the military and civil police and even kill them if they do not pay the ransoms."** Abu Muhanad noted that the groups resort to these tactics to compensate for revenues lost when smuggling operations fail.

Abu Muhanad revealed the details of one of these kidnapping-for-ransom incidents, which occurred on 3 July 2023. An armed group led by Abu al-Baz, deputy of Jaysh al-Sharqiya/Eastern Army's commander, abducted two young men from the al-Muali tribe who intended to cross the border from Jindires town:

"Abu Musa'ab al-Sarawi and Abu Mujahid, fighters from the Jaysh al-Sharqiya/Eastern Army, shot one of the young men in the mouth and abandoned him in the woods, believing he was dead. Then, they began to negotiate with the tribe over a sum of money in return for releasing the second young man [. . .]. When the young man who was shot was discovered, members of the al-Muali tribe rose against the Jaysh al-

⁶ The source chose to use a pseudonym during an online interview on 18 December 2023.

⁷ The source chose to use a pseudonym during an online interview on 15 December 2023.

Sharqiya/Eastern Army. To prevent the situation from spiralling into armed clashes, the army released the abducted young man and apologized to the tribe. Additionally, in a voice recording, Abu al-Baz announced he was willing to pay whatever money the tribe demanded, and the kidnapers, Abu Musa'ab al-Sarawi and Abu Mujahid, were handed over to the military police. However, they were released after 20 days.”

Notably, the violations perpetrated by the Jaysh al-Sharqiya/Eastern Army are not confined to Jindires in the Afrin region, or the so-called Olive Branch strip, but extend to other territories controlled by the Army in Ras al-Ayn/Serê Kaniyê in the so-called Peace Spring strip. Both strips are under Türkiye’s effective control. Türkiye occupied the two areas in the aftermath of two large-scale incursions in 2018 and 2019.

In Ras al-Ayn/Serê Kaniyê, Abu Majd,⁸ a commander with the Jaysh al-Sharqiya/Eastern Army, said the Army imposes oppressive royalties on farmers. Explaining the royalty system in the region, he added:

“There are the plots of land seized by the Jaysh al-Sharqiya/Eastern Army that are either State-owned or belong to civilian expats. The Army hands the administration of these plots to individuals—civilians or militants—with expertise in farming. They confiscate 60 percent of the produce, whether wheat or summer crops, leaving farmers with only 40 percent. Notably, the plots seized and handed over to Army affiliates are vast, expanding over hundreds of hectares.”

Abu Majd stressed that the Jaysh al-Sharqiya/Eastern Army does not only confiscate farmlands belonging to expats and internally displaced residents who fled the area during the Turkish invasion, even though they make up the largest percentage of the group suffering such seizures. He added that the Army also expropriates shares, amounting to 50 percent, of the crops cultivated by farmers who remain in the area.

This violation intersects with a different, but equally oppressive, practice, which has been exacerbating the already abject living conditions in the area. The Jaysh al-Sharqiya/Eastern Army has established a monopoly over the oil products trade in the area, which it receives from the regions controlled by the Syrian Democratic Forces (SDF) through the al-Tufaha internal crossing. The crossing is on the outskirts of Ras al-Ayn/Serê Kaniyê, linking SDF-held areas with SNA-controlled ones. Describing the adverse impact of the Army’s dominance over the oil business, Abu Majd said:

“The Jaysh al-Sharqiya/Eastern Army primarily has a monopoly over fuel and maintains massive control over its prices. This has been causing grave suffering to locals who buy fuel for heating in the winter and farmers who operate power generators for pumping [irrigation] water from wells. Both the dominance over the fuel trade and ever-soaring prices rendered the costs of farming far larger than its revenues, causing the agricultural sector to collapse in the Peace Spring strip and a vast number of farmers to relinquish farming.”

⁸ The source chose to use a pseudonym during an online interview on 18 December 2023.



ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unfailing dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.