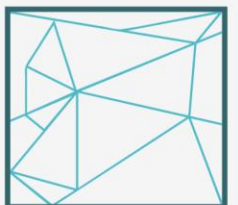


Syria/Afrin: Illegal Transfer of Syrian Detainees to Türkiye and Subjecting Them to Sham Trials



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1. Background:

After the Turkish army and allied factions from the opposition's Syrian National Army (SNA) established military control over the Afrin region in northwest Syria in March 2018, the predominantly Kurdish population suffered [thousands of arrests and detentions](#). The SNA factions perpetrated the majority of the detentions. However, the Turkish security services were involved in several arrests, and have transferred some detainees to Türkiye and placed them in its prisons, where some remain in custody.

Four of these detainees, according to information STJ managed to obtain from the detainees themselves or people close to them, were transferred from Afrin to Türkiye. There, they were subjected to torture, mistreatment, forced disappearance, and concealment from their families, who were unable to communicate with them during the investigation period.

A fifth detainee was forcibly disappeared for three and a half years, to the point that his family believed he was deceased, only to be shocked later by a phone call from him from a central prison in Afrin, where he was transferred after a period of investigation in Türkiye, and his arrest and forced disappearance in [al-Ra'i prison](#), northeast of Aleppo.

The city of al-Ra'i, which Türkiye calls Çobanbey, is entirely under the control of the Turkish-backed SNA. The city [houses](#) many of the most secretive and sensitive facilities. The [Sultan Murad Division](#) is the most dominant faction there, led by Fahim Ahmad Issa, a member of the Turkmen minority who is remarkably close to the Turkish government, specifically to the far-right [Nationalist Movement Party](#) (MPH).

The parties responsible for the arrests had no evidence to justify them, except for suspicions and accusations or that there were pictures of Kurdish figures from Afrin inside the detainees' homes, as Afrin villages were being swept under the pretext of searching for weapons. During these searches, young men, or those suspected by the armed groups of being collaborators or sympathizers with the Kurdish forces that were present in Afrin from 2012 until March 2018, were detained.

According to the testimonies obtained by STJ, the conditions of detention did not vary significantly among the detainees, as they suffered from torture, forced disappearance from their families, and mistreatment. However, detainees from non-Muslim religious backgrounds—especially the Yazidi Kurds—had the “lion's share” of torture. Also, they were coerced into reciting the *Shahada* (the declaration of faith in one God (Allah) and His messenger) and converting to Islam under threat and physical and psychological abuse.

In this brief report, STJ sheds light on several arrests that Afrin residents were subjected to under Türkiye's control, and what they suffered during their detention, whether by the Turkish authorities or by SNA armed members. While some of them regained their freedom after years of captivity, others are still languishing in prisons with an unknown fate.

This report is based on interviews conducted by researchers with STJ with two local sources, one of whom is close to one of the detainees and witnessed his trial along with two other young men who were arrested simultaneously from the same village. While the other source

is a former detainee who was transferred to Turkish territory and then returned to Syria to be imprisoned for three and a half years in a secret detention center.

The interviews were conducted online using a secure communication application. While obtaining their informed consent, the sources were informed about the voluntary nature of the interview and how the information they shared would be used, including for the publication of this report. The sources asked for the withholding of their identities and other identifying information, due to concerns about potential reprisals by local authorities against them or their families.

2. Arresting and transferring civilians to Türkiye on mere suspicion:

In April 2018, Türkiye and the SNA factions entered and thoroughly searched the village of Celemê in Jindires district in the countryside of Afrin, northwest of Syria. As a result, three young men were arrested: (K.A.Kh.), (J.M.A.), and (M.M.). The latter was from Baye village, and was at his fiancée's house in Celemê, where he was arrested.

Wael Saeed (a pseudonym),¹ who is close to (K.A.Kh.), indicated that the three young men were arrested without reason, as nothing was found with them, such as weapons, and they were not fighters and not on the front lines, but rather civilians in their homes. The three young men were aged between 20 and 30. They were transferred from Celemê to the center of Jindires district, then directly to Turkish territory. He said:

“After a while, we learned from some of the prisoners who were with them that they were in Hatay province in Türkiye, in a prison called Yaylidağ. Later, someone contacted the father of the detainee (K.A.Kh.) claiming that he was a lawyer, and that he was from the Arabs of the Alexandretta district (Antakya). He spoke to the father in Arabic, and informed him that he knew that his son was in prison, and that he had met with him, and offered to represent the son if they wished to appoint him.”

The three young men were tried about a year after their arrest. In the first trial, each was sentenced to four years and two months in prison. Wael explained that the number of detainees from Afrin and the other Kurdish regions in northern Syria was large, and said:

“(K.A.Kh.) mentioned that there was a large number of detainees from Afrin and its villages, as well as from Kobanî (Ayn al-Arab), in Yaylidağ prison. Some of them were released before him and visited his father to deliver his son's greetings from prison. After (K.A.Kh.) was released, some of these detainees were still imprisoned, with some receiving sentences of up to 8 - 10 years, or even longer.”

While these young men were in prison, their families were subjected to financial extortion by the lawyer, who took money from them under the pretext of reducing their sons' sentences. However, he did not address this in court. When the detainees' families confronted him, he claimed that their sons' cases were related to “terrorism,” and that he could not defend them

¹ A pseudonym was used at the source's request in the online interview conducted by a researcher with STJ on 3 June 2024.

in this situation, despite his knowledge of the nature of the charges against the young men when he received the money. The total amount he received from the father of (K.A.Kh.) amounted to \$2,500.

After the detainees, who spent approximately four years and two months in prison, were released, the Turkish authorities did not hand them back their identification documents for a whole year. During this period, they were forced to remain within the Turkish territory which resembled house arrest. Wael continued:

“After their release, they were not given their personal identification documents, and remained under what resembled house arrest in Türkiye for a whole year, as they were prevented from returning to Syria, or going to any other country.”

Wael assured that the trials held for the young men were merely show/sham trials, saying:

“(K.A.Kh.) said that when they were arrested in Celemê village, there was a bag containing some ‘confiscated items/hunting weapons.’ The young men expected to be accused of possessing its contents, but they were not. They were not even questioned about whether they had any weapons or other items. The trial was merely a sham one, with no questions, answers, or a defense lawyer involved.”

The arrests of young Kurds impact not only the detainees, but also their families, who are exposed to health and psychological setbacks due to the loss of their children and their inability to defend them, and lack of information about them after the arrest, with the Turkish authorities concealing their whereabouts, fate, and reasons for their arrest. For all mentioned, it is believed that the father of (K. A. Kh.) has suffered a health setback. Wael explained:

“(K.A.Kh.) was a newlywed at the time of his arrest, and his arrest affected his entire family, especially his father, who was diagnosed with lung cancer in less than a year, and underwent surgery where part of his lung was removed. He also received chemotherapy, and he has been undergoing treatment for the past five years.”

3. Arresting and transferring civilians to Turkish territories after failing to displace them:

As in the case of (K.A.Kh.) and the two other young men arrested from Celemê, similar arrests took place in the other villages in Afrin, including the village of Şeh/Sheikh al-Hadid, which is also the district center and was not entirely evacuated when the Turkish military and the SNA were advancing in the region. Among those arrested was a young man named (M.H.),² who was 21 years old at the time. He was arrested from his neighborhood, where he remained with a few other residents, on 6 March 2018.

² A pseudonym was used at the source’s request in the online interview conducted by a researcher with STJ in mid-July 2024.

(M.H.) told STJ that after his arrest, he was transferred to Türkiye, but he did not know the name of the Turkish region where he was detained. However, he realized he was in Türkiye because there was electricity, as there was no electricity in Afrin (during the war), in addition to the fact that the guards and interrogators all spoke Turkish. He continued:

“I remained in Türkiye for about a week to ten days, during which I was held in solitary confinement, and subjected to torture after being stripped of all my clothes and having cold water poured on me. Additionally, I was denied food and subjected to verbal abuse. There were many detainees from Afrin, including women. After being interrogated for ten days, I was transferred to al-Ra’i prison [in Syria].”

In al-Ra’i prison, (M.H.) also spent two months in solitary confinement, where he was interrogated and then transferred to the communal cell full with detainees. He recounted:

“Any new detainee would be interrogated, tortured, and then transferred to the communal cell, which is what happened to me. I was transferred to the communal cell two months after my arrival at the prison.”

He continued:

“The communal cell was 13 meters long and 3.5 meters wide, and we were about 150 to 160 people inside, in addition to many other cells.”

The notorious al-Ra’i prison, to which the detainee was transferred, is not [entirely outside the Turkish authorities’ control](#), as they supervise it through the Sultan Murad Division. Perhaps the worst thing about that prison is that it is considered a secret detention center, where detainees are unable to communicate with their families, as they remain unaccounted for. As for leaving the prison, it is as if the detainee was born again. (M.H.) said:

“During our detention in al-Ra’i prison, we were not allowed to contact lawyers or our families. We were hidden inside a purely intelligence branch. For example, my family had no information about me until I was released. Noting that those who are released are not given any documents to enable their movement, which means that any other faction could arrest them.”

In that prison, Kurdish young men and women detainees were deliberately humiliated and insulted. Regarding those methods of humiliation (M.H.) said:

“We were about 1,500 prisoners in al-Ra’i, all from Afrin or of Kurdish origin. While the women numbered about 50 to 60. The torture methods were many, including humiliation, where women were brought in and grabbed by their hair, as the armed group would tell them, ‘These are your men in Afrin,’ while stepping on our heads.”

The former detainee described the conditions of detention in that secret prison with his peers from Afrin, where they endured diseases and deliberate neglect of food and hygiene. (M.H.) said:

“I did not see the sun for three and a half years. The communal cell was 22 steps underground, and we were allowed to shower once every 21 days without any personal care products. We would be taken to shower in groups of five, after being stripped of our clothes in the cells, while enduring beatings, humiliation, and insults.”

Within the communal cell, and as a result of the conditions of torture, deprivation of food, and lack of medical care for the sick or those who were tortured, several detainees lost their lives. However, they still did not receive humane treatment during their burial. Many details about the burials remain unknown, including locations. (M.H.) said:

“It was summer, and one of the prisoners died at nine in the morning. We informed the guards so they can remove his body before it decomposes due to the high temperature. Instead, they brought a gallon with two blocks of ice to the cell, and placed the deceased’s body in it until nightfall. They would refrain from removing the bodies in the morning, and would wait until one or two in the morning to come and collect the bodies of the deceased, but we did not know where they were buried.”

After spending about three and a half years in al Ra’i prison, (M.H.) was transferred to the Azaz court, then to the central Marateh prison in Afrin, where he was allowed to contact his family for the first time since his arrest from his town Şeh/Sheikh al-Hadid, to tell them that he is alive. However, before he could make the call, he tried to convince the guards to allow him to speak Kurdish with his sixty-year-old mother, since she does not know Arabic, but they refused. He was later shocked to learn of her death. He said:

“We were prevented from speaking Kurdish. They labeled every Kurd as a terrorist, whether in the prison in Türkiye, in al-Rai prison, or in Marateh prison. In Marateh prison, I tried to get permission to speak to my mother in Kurdish because she was elderly (60 years old) and did not know Arabic. But I was denied. Later, I was shocked to find out that my mother had passed away, and that my pleas were in vain. Many of us were tortured for speaking Kurdish since they hailed from [non-Arabic speaking] villages and did not know Arabic.”

Similar to the case of (K.A.Kh.), the family of (M.H.) was also subjected to financial extortion, as he paid a ransom of 8,000 Turkish lira upon his release. (M.H.) narrated:

“During my time at Maraṭeh prison, I was transferred to court, which sentenced me to five years in prison with a fine of 8,000 Turkish lira, in addition to the lawyer's fees. I served four years of the sentence, with the calculation being that a year in prison was considered as nine months. I requested release after serving four years to be freed in the last quarter of the term, and I left Maraṭeh prison after spending five months there.”

All that has been said is one thing, but if the detainee is Yazidi, it is a different matter. According to (M.H.), Yazidis are considered a “red line.” If the guards came across a Yazidi detainee, they would intensify the torture. He said:

“The Yazidi detainees were forced to pray, fast, and say *Shahada*. Of course, prayer was compulsory for all prisoners under the threat of torture, deprivation of food, and insults to their family, wife, and sister, in addition to using many torture methods such as melting nylon on the stomach, or bringing a stone and tying it to the detainees' genitals and forcing them to stand, which caused them great pain. Consequently, even the Yazidi started to pray in prison out of fear.”

4. Legal opinion:

The actions of the Turkish government against the Syrian detainees, as stated in this report, are inconsistent with the obligations imposed on it under the rules of international law, as Türkiye is considered an occupying power in the areas it controls in northern Syria according to Article 42 of the Regulations Respecting the Laws and Customs of War on Land (The Hague Convention) of 1949. The article defines that the territory of a state is occupied when it is under the effective control of the enemy army. Additionally, according to the Second Common Article of the four Geneva Conventions of 1949, all cases of occupation, whether total or partial and regardless of whether they faced armed resistance, are governed by international humanitarian law for international armed conflicts.

Therefore, the Turkish government actions in arresting Syrians, transferring them to Turkish territory, detaining and prosecuting them contradicts Article 49 of the Fourth Geneva Convention, which prohibits the forcible transfer of protected persons, whether collectively or individually, or deporting them from occupied territory to the territory of the occupying power or to the territory of another state, whether occupied or not, for any reason. Additionally, prosecuting some of these persons before Turkish courts under Turkish laws violates Articles 64 and 66 of the aforementioned Convention, as the penal legislation specific to the occupied territories remains in force, and may not be canceled or suspended by the occupying power unless it threatens its security or the implementation of this Convention, to ensure respect for the provisions of this Convention. In order to ensure the effective implementation of justice, the courts of the occupied territories must continue to operate, and must be held in the occupied country. Assuming the allegations against the detainees are accurate, they should be tried before Syrian courts and in accordance with Syrian law. This is also affirmed by Article 3 of the Syrian Code of Criminal Procedure of 1953, which stipulates that “The public prosecution case against the defendant shall be brought before the competent court authority in the state where the crime was committed, where the defendant resides, or where the defendant was arrested.” Article 15 of the Syrian Penal Code of 1949 stipulates that “Syrian law shall apply to all crimes committed on Syrian territory.”

The failure to provide adequate health conditions for detainees and medical treatment for those ill among them, according to the sources of this report, whether in Turkish prisons or the prisons of the Turkish-backed Syrian opposition factions, contradicts the obligations

outlined in [Article 76](#) of the Fourth Geneva Convention, which requires the occupying power to ensure a nutritional and health system that maintains the health of detainees, and provide medical care necessary for their health condition.

The Turkish authorities and the military factions under their effective control are engaging in enforced disappearance against these detainees, as they have refrained from disclosing the identity and fate of those they detained. This is prohibited under Article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance of 2006. No exceptional circumstance, whether a state of war or the threat of war, internal political instability, or any other exceptional circumstance, may be invoked to justify enforced disappearance. According to the sources, the detainees were subjected to repeated torture and humiliation, which contradicts the obligations imposed under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

Furthermore, Article 8 of the Rome Statute of the International Criminal Court of 1998 classifies acts of torture or inhuman treatment, unlawful deportation or transfer or unlawful confinement, in addition to the direct or indirect deportation or transfer of all or parts of the population of the occupied territory, within or outside this territory, by the occupying power, as war crimes.



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 unflinching 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.