



مركز توثيق الانتهاكات في سوريا
Violations Documentation Center in Syria

Cover Image: [Ivan Hassib](#)

CIVILIANS HAVE THE MOST TO LOSE IN OPERATION 'PEACE SPRING'

**Special Report on Recent Violations In
North-East Syria. Part 2**

The Violations Documentation Center in Syria / September 2020

About the Center

[The Violations Documentation Center](#) in Syria is (VDC) established in April 2011 as one of the projects of the Syrian Center for Media and Freedom of Expression SCM. The Center monitors and documents human rights violations in Syria and simultaneously contributes to the promotion and dissemination of human rights culture and concepts in the country.

Several activists lead the Center from inside and outside Syria (approximately thirty activists), most of them locate in Syria in various governorates, cities, and towns. Irrespective of the identity of the perpetrator or victim, the Center's activists monitor and document violations from all parties to the conflict, such as the names of victims, detainees, missing persons, and abductees in Syria. The Violations Documentation Center also works to monitor violations against Syrian refugees in countries of settlement.

The Violations Documentation Center works as one of the projects of the Justice and Rule of Law Program at the Syrian Center for Media and Freedom of Expression, which includes the Strategic Litigation Project and the Victim Associations Support Project.

Content

Executive summary.

Introduction.

Methodology.

Chapter One: General Legal Framework.

Section One: The Legal Classification of the Syrian Conflict.

Section Two: The Nature of the Turkish Intervention.

Section Three: Obligations of the Occupying Powers.

Chapter Two: The Legal Framework of the Violations.

Section One: The International Responsibility for Using Drones.

Section Two: Mines and Explosive War Remnants.

Section Three: Car Bomb Attacks.

Chapter Three: The Documented Violations Between October 2019 and March 2020.

Section One: Violations of the Turkish Forces and Aligned Groups.

Section Two: Violations of the Syrian Democratic Forces/ SDF.

Section Three: Violations of the Islamic State of Iraq and the Levant/ISIS.

Section Four: Violations of the Russian Forces.

Section Five: Violations by Unknown Parties.

Recommendations.

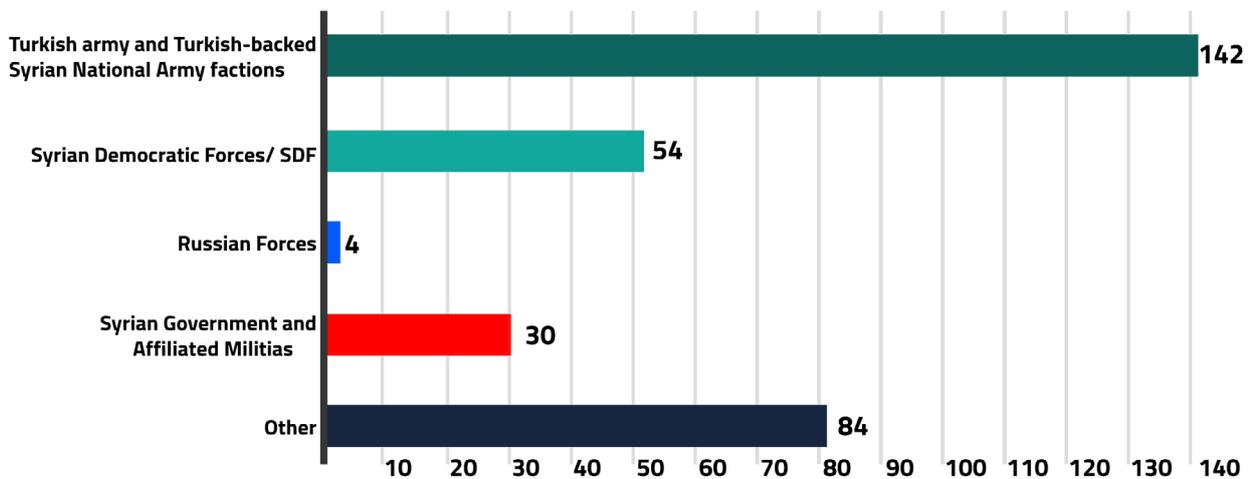
Executive summary

This report covers the period between 25 October 2019 until 01 March 2020 through which the VDC team recorded the following violations:

- * **34** violations committed by all parties to the conflict in all regions of north-eastern Syria.
- * **5** violations by the Turkish army and the Turkish-backed Syrian National Army factions¹, and **12** violations by the Syrian Democratic Forces/ SDF² during the abovementioned period.
- * **1** violation by Russian forces.
- * **2** violations by the Islamic State of Iraq and the Levant/ ISIS.
- * **14** violations by unknown parties.

The death of at least **314** civilians since the beginning of the military operation on 09 October 2019 until 01 March 2020.

Death by the Parties Responsible, between 25 October 2019 and 01 March 2020



The VDC had issued a first report on “Operation Peace Spring” under the title [“CIVILIANS HAVE THE MOST TO LOSE”](#), in which it monitored the violations committed by all the parties to the conflict between 09 October 2019 until 25 October 2019.

1 A group of Syrian armed opposition factions that were under the umbrella of the Free Syrian Army (FSA). They were assembled under “regular and professional military command” before Turkey’s first military operation in Syria, which Turkey called the “Euphrates Shield” in August 2016. The aim was to unify the opposition factions and to facilitate action and coordination as one army under one command, and to prevent any conflict between different armed groups

2 The Syrian Democratic Forces, briefly referred to as the SDF, is a multi-ethnic and multi-religious alliance of predominantly Kurdish militias, as well as Arab and Assyrian / Syriac militias. The SDF is composed mostly of the People’s Protection Units YPG, which is mostly Kurdish factions, which leads the forces militarily.

Introduction

In conjunction with the United States of America president's decision to withdraw his military troops from north-eastern Syria, and under the pretext of constructing a safe zone and resettling up to two million Syrian refugees in the area targeted by the military operation, Turkey had declared on 9 October 2019, the start of the "Peace Spring" operation with the Turkish fighter aircrafts launching airstrikes on the frontier towns and cities adjacent to Tell Abiad town in the Raqqa Governorate and Ras al-Ayn/ Sari Kani in Al-Hasakah Governorate which was under the control of the Syrian Democratic Forces (SDF). The operation, in which units of the Turkish army and groups of the Syrian opposition have participated, was considered by Ankara as the completion of both the "Euphrates Shield" operation in August 2016 which aimed at defeating the Islamic State militants from Jarabulus down to the Syrian Albab and Azaz cities, and "Olive Branch" operation that started by early 2018 and aimed at securing Afrin within facing what is considered a separatist project led by the SDF in northern Syria. The operation ended with Turkey signing two agreements with the USA and Russia according to which Turkey has ended the operation after achieving its political aim without bearing the financial and human costs of the military machinery.

Despite the USA and Russia's refusal of a proposal in the UN Security Council made by five European countries to condemn the Turkish operation, the USA had included the Turkish ministers of energy, defense, interior, and finance on the list for economic sanctions, banned them from conducting any financial transactions in US dollars, issued warnings of serious consequences and hinted at more strict economic sanctions in case operations continue, which have led, on 17 October, to a Turkish-American agreement on halting the Turkish military operation for five days in order to withdraw the SDF from a suggested safe area south to the Turkish borders, in exchange for the suspension of the sanctions on Ankara.

On 22 November 2019, the Russian president, Vladimir Putin and the Turkish president, Recep Tayyip Erdogan have reached another agreement to extend the ceasefire in order to complete the withdrawal for 30 kilometers inside the borders and from Tall Rifat and Manbij cities. The agreement emphasized that the Turkish operation is based on the Adana Agreement and the keenness of the Russian Federation to apply it. It also included conducting four joint patrols of Turkish and Russian forces through the safe passage area agreed on by the two parties to ensure the confirmation of the agreement, which was later breached by the Turkish army's artillery shelling operations that targeted many areas and towns in the Al-Raqqa governorate.

Intermittent clashes were also recorded in several areas, as on 02 December alone, 10 internally displaced civilians from Afrin region north-west Aleppo, including eight children, and 12 were injured, including two women and seven children, as a result of an alleged ground strike launched by pro-Turkish armed groups, near a school in a residential neighborhood in the city of Tal Rifaat in the northern countryside of Aleppo. The ages of the children killed or injured ranged from 3 to 15 years.

Despite the calm of the battle, it is not over yet. More international accusations by international human rights organizations and UN officials of the Turkish forces and the Syrian factions affiliated with them, condemning practices that may amount to “war crimes” during military operations. These practices include murders with summary actions and attacks that have killed and injured civilians. In addition to forced displacement, which led to the most severe rate of displacements since the start of the conflict, especially since the areas to which the displaced are heading after losing their homes and towns are no less dangerous than the areas from which they came.

During the period covered by this report, was the return of the Islamic State which has more than ten thousand prisoners in the region’s prisons and tens of thousands of their family members in the region’s camps. A significant number of them are foreigners that Western governments refused their return. While the violations continued to take place in the areas controlled by the autonomous administration, all other parties were committing grave violations of international humanitarian law as well including killing; execution without due process; torturing; kidnapping and taking hostages; attacks on protected objects, targeting medical and educational personnel; indiscriminate attacks against civilians, and the use of car bombs. These acts amount to war crimes and crimes against humanity. It might also amount to the crime of genocide if some elements are proven.

Methodology and Challenges

The report’s methodology was based, in the first place, on the testimonies and statements of the witnesses who had direct contact with the event. These testimonies and statements were processed according to a special monitoring and documentation methodology adopted by the VDC. This methodology consists of gathering as much information as possible about every violation, including the perpetrator, location, time, and type of violation, along with further statistical properties regarding victims and violations committed by all conflict parties and the interventionists in Syria, regardless of ethnicity, religion, political affiliation or any other trait.

After excluding all the targets proven to be military in nature, the report includes 30 incidents of serious violations of the international humanitarian law. The report also contains attached lists of names of dead civilians who were identified by the center. The attacks that were not thoroughly and meticulously investigated by the VDC team were also excluded, despite being reported to cause civilian casualties according to what was circulated by the local news offices and social media. These attacks were excluded because of the inaccessibility of multiple sources for the same incident. However, that did not mean the denial of the occurrence of those attacks.

For the purpose of data collection and to ensure that testimonies and information are gathered in an independent, safe and impartial manner, The VDC team faced several challenges, mainly:

- Difficulty to obtain, check and verify the correctness of the necessary information, especially with regards to the cooperation of the witnesses and their acceptance to declare information to the VDC team out of justified fears of arrest and future reprisal acts against the residents living in these areas. This is despite the protection of real names to prevent endangering the witnesses' lives.
- The high level of tension and mobilisation in the northern regions generally, which required doubled efforts from the monitoring team to check and verify the nature of the violations without exaggeration or underestimation of what is happening.
- The field factor, complex situation, and the multiplicity of authorities in a relatively confined geographic area remain one of the main challenges facing communication with the local activists who move from one region to another, fearing prosecution and arrest.
- Regarding classification and categorisation of the data, classification according to the party responsible for the various violations was adopted, which helps to understand, analyse, describe, and compare different sets of data. As for the definition of violations, the center adheres to the definitions contained in the international human rights conventions, human rights standards, the international humanitarian law, the Rome Statute of the International Criminal Court and Geneva Conventions.
- It should be noted that the facts mentioned in this report are not exhaustive and do not cover all the violations that took place between 25 October 2019 and 1 March 2020. The VDC is still documenting the various violation incidents and following up on their development and the fate of their victims.

Chapter One: General Legal Framework

Section One: The Legal Classification of the Syrian Conflict

Armed Conflicts in their general international concept are divided into two groups, international armed conflicts, and non-international armed conflicts. No event or incident is considered an armed conflict, in accordance with the international concept, unless it comes within one of the internationally agreed considerations. Particularly, if the conflict is between States, between State and an armed group, between State and a group that has declared its split from the State, and the fourth is to be a conflict between two groups within the State.

A non-international or “internal” armed conflict refers to a state of violence that involves long-term armed confrontations between the governmental forces and one or more organised armed groups, or between these groups each other, happening on the State’s territory. In a non-international armed conflict, one of the parties to the conflict, at least, must be a non-state armed group, on the contrary to the international armed conflict, in which the armed forces of States are involved.

The International Humanitarian Law did not specify the required level of violence in armed operations to apply the international armed conflicts law, as only the mere fall of casualties from the armed forces or civilians from the other country, the capture of forces, or the mere practice of armed forces’ control on a part of the adjacent State’s land without consent, is sufficient to consider the conflict to be international, regardless to the duration of the military actions, or the specific number of wounded. The Court of Former Yugoslavia has considered “an armed conflict to be international whenever there is a resort to armed force between states”. It must be pointed out that resort to violence has to be intentional, as the cross-border unintentional violence, no matter what the results are, is not considered as an international armed conflict. Furthermore, the interference of a country in an internal conflict of another country with the consent and invitation from the country where the conflict is taking place, is not considered an international armed conflict.

The difference in the classification that subjects non-international conflicts to the provisions of common Article 3 of the Geneva Conventions and to the Customary International Humanitarian Law does not change the nature of the rights protected in relation to civilians and civilian properties and objects, regardless of the form or legal description of the conflict, either international or non-international, nor does it affect the rule of the superiority of humanitarian response over state sovereignty. However, the need for legal adaptation arises during investigating the course of justice, accountability for perpetrators of violence, determination of responsibility, and the competent judicial reference, and claims of victims’ compensations.

On 16 July 2012, the International Committee of the Red Cross (ICRC) declared that the conflict in Syria had entered a Non-International Armed Conflict stage. Later on, a current emerged in international legal jurisprudence calling for the Syrian conflict to be considered of a special legal nature. They placed the conflict within the category of Internationalized Armed Conflicts that are originally internal conflicts among internal parties. However, under certain circumstances, these conflicts become international if there was one or more external armed interference whether overtly or covertly. The interference could be to support one of the parties to the conflict or more with the aim of influencing the outcome of this conflict and attaining certain interests.

In April 2017, after the US missile strikes on the Shayrat Airbase in the eastern countryside of Homs, the ICRC settled the controversy and described the situation in Syria as an International Armed Conflict. Accordingly, the International Humanitarian Law including the four Geneva Conventions and their additional protocols should be applied, in addition to the series of conventions and treaties covering specific aspects, and rules of Customary International Humanitarian Law. All throughout Syrian from the initiation of the conflict until its end.

Section Two: The Nature of the Turkish Intervention

- The Turkish government justified its operations as a state of self-defense. Self-defense is one of the exceptions to the principle of prohibition of the use of force in international relations, which is stipulated in Article Two, Paragraph 4 of the UN Charter. The prohibition of the use of force in international relations is a general rule which has three exclusive exceptions that regulate the use of force and delineate its limits as a guarantee of the humanitarian interest and the international community. The exceptions are the right of peoples to self-determination, the mechanism of collective security under Chapter VII of the UN Charter, and the status of legal self-defense stipulated in Article 51 of the UN Charter.
- The Turkish government justifies its military intervention in the Syrian territories by considering itself a party to the international coalition led by the United States of America to fight ISIS, and that it is within the context of the war on terror that has international legitimacy according to the various UN Security Council resolutions which were issued to urge countries to make all possible efforts to fight terror, including, resolutions 2170, 2178, 2195 of 2014, and resolutions 2199, 2214, 2249, 2253 of 2015, and resolutions 2309, 2322 of 2016. Moreover, according to paragraph (5) of Resolution 2249 of 2015, member states should take the necessary measures on the territories under the control of ISIS as well as intensifying and coordinating their efforts to prevent and suppress terrorist acts committed by ISIS, the Al-Nusra Front and other terrorist groups, as designated by the Security Council in accordance with international law.
- The Turkish government relies on the "Adana agreement" signed by Turkey and Syria in 1998 which gives the Turkish army the right to enter the Syrian territories to combat terrorism, under the pretext of the failure of the Syrian side to take the security measures and duties stipulated in this agreement, which gives Turkey the right to defend itself when its national security is threatened.

However, regardless of the legality of the Turkish presence in the Syrian territories, or lack thereof, this presence is subject to the provisions of the International Humanitarian Law, especially the law regulating the state of belligerent occupation resulting from a war, or armed aggression between two countries, which is followed by an actual temporary reality and physical military control, through which, the occupation has effectiveness, capacity, and influence on the occupied territory, and is responsible for protecting the territory financially and humanly in accordance with The Hague Regulations Articles 42-56, the Fourth Geneva Convention Articles 27-34 and 47-78, the provisions of the First Additional Protocol and customary international humanitarian law.

Section Three: Obligations of the Occupying Power

International jurisprudence defines the state of belligerent occupation as: "A phase of the war that immediately follows the invasion, in which the belligerent forces are able to enter the enemy's territory, and place the region under their effective control after they tilt their scales in an undisputed manner. Then the armed conflict stops, and calm prevails completely on the lands where the fight took place".

Out of the most important foundations and pillars of the laws of belligerent occupation are:

First: The occupation is of temporary nature, that is, it does not give the occupying power, by any means, the sovereignty, right of annexation, or legitimacy of possession of the territory. Therefore, its authority over the territory does not go beyond being an effective, and not legitimate power. (Article 42 of the Hague Regulations 1907).

Second: The presence of the occupier and its authority over the territory, as it does not transfer sovereignty and legitimacy to him, it is limited to the manifestations of fixing and establishing the factors and causes of security, order, and stability, and whatever would secure a decent livelihood for the inhabitants of the occupied territory in terms of services, facilities, etc. In other words, the occupier's mission does not extend beyond filling the void of the absent legitimate authority, whose mission is to secure these factors for its citizens.

Third: The occupier authority is obligated to respect and apply the applicable and valid laws of the occupied territory. Article 42 of the Hague Regulations 1907 provides that "The occupying power must respect the laws in force in the occupied territory unless they constitute a threat to its security or an obstacle to the application of the international law of occupation." This is also confirmed by Article 64 of the Fourth Geneva Convention.

Fourth: The occupier authority is also obligated to preserve and protect all civilians' rights and legal status, and protect them from any infringement or violation, such as their right of possession, The right to property and the right to remain in their properties as well as the right to preserve their money.

Fifth: The occupier does not have the right to exercise any sovereign rights or functions in, or about the territory. Rather, its right is centered around, and limited to what could be called organisational affairs, daily life means, services, and facilities to the inhabitants of the territory. (Article 64 of Fourth Geneva Convention.)

Article 42 of the 1907 Hague Regulations (HR) states that a " territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised. " Additionally, According to their common Article 2, the four Geneva Conventions of 1949 apply to any territory occupied during international hostilities. They also apply in situations where the occupation of state territory meets with no armed resistance.

The International Humanitarian Law stressed the responsibility of the occupier authority to protect civilians and considered it as a non-derogable right. According to Article 47 of the Fourth Geneva Convention "Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, by any agreement concluded between the authorities of the occupied territories and the Occupying Power."

Chapter Two: The Legal Framework of the Violations

Section One: The International Responsibility for Using Drones

The report documents murders that were carried out by the Turkish governmental forces with drones they use against ISIS inside Syria and along its borders with Iraq and Iran. Also in its battles with SDF in northern Syria. To a large extent, drones are a legitimate weapon as long as there is a human control over it. Meanwhile, the legal jurisprudence tends to point out that the more automated the control and selection of a weapon are, the more illegal it gets, when it is fully automated, it becomes an illegal weapon as it gets closer to an indiscriminate weapon. The relevant national law and the International Human Rights Law apply to the use of these drones in the case of absence of armed conflict, either inside or outside the country's territory, if the country has geographic control outside its territory as if the state is an occupying power in another country. Whereas the International Humanitarian Law applies in case of international, or non-international armed conflicts, where drones are treated as any modern weapon system, and its use by parties to the certain conflict is subject to the principles of discrimination between combatants and civilians and between military and civilian targets, as well as to proportionality, caution and taking all possible precautions to prevent civilian bloodshed and to protect the civilian infrastructure. Moreover, drones are not to be used to transport prohibited weapons, such as chemical or biological materials, or to launch attacks on civilians or medical personnel³.

³ Louisa Brooke-Holland, Overview of military drones used by the UK armed forces, House of Commons Library, (8/10/2015), Briefing Paper, Number 06493

However, the difference in the control and selection technique, and the doubts about its ability to abide by the rules of the International Humanitarian Law, in terms of preserving the right to live, proportionality, and distinctions, are facts which made drones a subject of controversy and debate regarding its legality and the legitimacy of its use, with a team supporting its low cost and safety of operator who drives the plane hundreds of kilometers away, and a team considering them blind weapons that do not differentiate between civilian and military, despite its advanced technology. Drones also raise the issue of just war, which means the presence of some sort of danger or threat to both parties to the conflict as a fundamental condition for achieving some kind of justice, without this implying that the battle should be balanced or equal. However, the threat must reach every party regardless of its equivalence or equality, and that each party should have the ability to threaten the other regardless of its size too, which is an impossible condition in the case of drones. This changes the literal meaning of war, and turns it into a crime of remote killing. Some also argue that these aircraft are designed to kill the target, which requires it to carry out a number of successive strikes until the killing process is completed, a matter that threatens paramedics, rescuers, and people who run to the place first, who are naturally unlawful targets. Moreover, there is the issue of its ability to deal with prisoners, rescue the wounded, or allowing fighters to surrender, as the fighter has the right to surrender, given that the main objective of combat operations is to defeat and not to kill the enemy. Likewise, the principle of distinction between fighters and civilians, as drones, and despite the monitoring and analysis capabilities that enable them to distinguish military clothing in international conflicts, does raise doubts about its ability to apply the distinction principles in cases of non-international armed conflicts, where fighters may wear civilian clothing, and move within the civilian neighbourhood.

In addition, the psychological and neurological effects the drones' strikes leave on civilians in targeted areas, and the state of panic they create, place their effect in the torture category, which is, according to the First Article of the Convention Against Torture, includes physical or mental suffering, or in the best cases, can fall within the framework of Article 16 of the Convention, which provides for the cruel, degrading or inhumane treatment that does not rise to the level of torture, especially since the aforementioned article does not require the presence of wilfulness or intention in the prohibited treatment, which can be caused by the act of negligence⁴.

Finally, these aircraft pose problems regarding international liability, i.e. attributing any error to the State responsible for the aircraft. It is difficult for unmanned aircraft to have an external appearance that indicates their characteristics and nationality, which complicates the process of evidence "especially those aircraft that the State purchased from manufacturing companies".

⁴ Living Under Drones Death, Injury, and trauma to Civilians From US Drones Practices in Pakistan, Stanford Law School, International Human Rights and Conflict Resolution Clinic, (2012)

Section Two: Mines and Explosive War Remnants

The report also documented cases of death due to the explosion of anti-personnel mines, which are heavily spread in northern Syria, as well as battle remnants. Deployment of mines in public places and civilian objects constitutes a flagrant violation of the provisions of International Humanitarian Law and the International Human Rights Law and a pure criminal method that does not attain any military advantages as far as its disastrous consequences on civilians. Additionally, it violates the legal principles of the legality of weapons, as it is of random nature that does not differentiate between a civilian and a fighter during or after the conflict. What increases their danger in Syria is that they are not planted according to a clear map that enables the concerned authorities to remove them.

Likewise, the “explosive war remnants”, which are a wide category of unexploded or abandoned objects left in an area following the end of the armed conflict. They include artillery shells, grenades, mortars, submunitions, rockets, shells, and other explosive devices, as well as munitions that did not explode after being released or dropped, i.e. “unexploded ordnance”. They impede reconstruction, the return of refugees, delivery of humanitarian aid, and other essential activities. The explosive remnants violate the basic principles of the International Humanitarian Law, which stress that the right of parties to conflict to choose methods and means of warfare is not unlimited. It prohibits the use of weapons, missiles, equipment, and methods of warfare that are of a nature to cause excessive damage or unnecessary suffering and go against the legitimate aim of using weapons. Saint Petersburg Declaration emphasized that by stating “the only legitimate object which States should endeavour to accomplish war is to weaken the military forces of the enemy”, that is to neutralise the opponent and prevent him from advancing in the battle without inflicting serious casualties that extends beyond this aim, and denies the legitimacy.

The explosive remnants are also a banned weapon according to the 1980 Convention on the “Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.” This convention contains five protocols including:

Protocol I: Non-Detectable Fragments.

Protocol II: Mines, Booby Traps and Other Devices.

Protocol V: Explosive Remnants of War.

With regard to mines, the international community was not satisfied with the 1980 Convention but rather strengthened it with a more comprehensive treaty called “The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction”, which is known as the Ottawa Treaty, signed in Oslo in September 1997 as insurance of full implementation and active enforcement of the provisions aiming at the complete elimination of anti-personnel mines. France is considered among the first countries to enact national legislation to implement the Ottawa Treaty, by adopting Law No. 98-564 of 8 July 1998.

Section Three: Car Bomb Attacks

Generally, the Law of Armed Conflicts is characterised by the fact that it contains, for the most part, prohibitive rules. The prohibition contained in these rules can be on the use of a certain weapon that is, by nature, forbidden by a treaty or a customary rule, it can also be a prohibition on violating the basic principles in law, such as the prohibition of causing unnecessary casualties or suffering, or the obligation to distinguish between civilians or civilian objects and military objectives. In that case, there is no need for the existence of a customary international rule or a prohibitive agreement. Rather, it is enough for this method to go against the basic principles in the law of war to recognise its illegality. In this regard, it can be seen that the Fourth Convention of the Second Hague Conference of 1907, and after it included most of the rules that belligerents must abide by, indicated that in cases not included in the Regulations, inhabitants and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the dictates of the public conscience.

As we mentioned earlier, and given the great risks represented by the possibility of using weapons to commit or facilitate serious violations of International Humanitarian Law and International Human Rights Law, the international legislator has developed a set of general rules to facilitate hostilities that the parties to non-international armed conflicts must abide by, such as the necessity to distinguish between combatants and civilians, and the prohibition of random attacks on civilians, or committing acts of violence aimed primarily at spreading terror among them, as well as the prohibition of resorting to means of warfare that amplifies, without purpose, the suffering of people unable to fight, and the prohibition of attacking homes and other facilities used exclusively by the civilian population, as well as obligating the warring parties to take all feasible precautions to avoid causing injuries, loss, or damage to civilians.

Accordingly, the car bombs mentioned in the report clearly violate the fundamental principle of the law of neutralising and protecting civilians as it deliberately or indiscriminately targets civilians and kills large numbers of them. These are cars and vehicles loaded with various types of explosives, charges, nails, and sharp metal fragments, which are prepared to explode at a specific time and place. It is one of the means of mass killing, intimidation, and political subjugation of groups, and it derives its illegality from violating the basic principles of law by targeting civilians in the first place. It falls under the governments' -legal, occupation, or a de facto authority- responsibility to protect the lives of all persons under their jurisdiction, to bring those who commit criminal crimes to justice, and to consider establishing mechanisms that meet the needs of victims, such as reparation as an example.

Chapter Three: The Documented Violations Between October 2019 and March 2020

The continuous military operations, the indiscriminate air and artillery bombardments, and the ensuing insecurity and large-scale violations of the International Humanitarian Law, have all resulted in a wide-range wave of displacement, that was considered to be the worst since the beginning of the conflict in the year 2011. According to the United Nations' estimates last February, more than 900 thousand people, 80% of which are women and children, were displaced since the 1st of December within the ignorance of all parties to protect civilians from dislocation and to secure their basic needs.

On 10 January 2020, the Security Council managed to adopt a drafted resolution submitted by Belgium and Germany on extending the process of delivering humanitarian aid across borders to millions of Syrians in northern Syria. This was adopted after the expiration of resolution 2165 of 2014 and confirmed that more than 11 million Syrians need humanitarian aid and that the delivery of humanitarian aid across borders remains a vital mechanism and a temporary solution to address the most urgent humanitarian needs.

However, the acute humanitarian crisis in northern Syria has expanded to reach the level of a catastrophe with the spread of the Coronavirus pandemic, which has been threatening the lives of Syrians amidst the almost total collapse of health infrastructures, severe overcrowding in the places that house the displaced, the continuous danger of hostilities, the severe lack of equipment necessary to deal with the outbreak of the virus, the lack of suitable grounds that help maintain personal hygiene and adhere to social distancing, and others.

Both the Syrian government, which is obliged under international law to secure the right to health for all residents without discrimination and the Turkish government, which has duties and responsibilities as an occupying power, have taken measures that have exacerbated the crisis. These measures included restrictions imposed by the Damascus government on humanitarian access for arbitrary or discriminatory reasons. Similarly, the Turkish government and the Turkish-backed forces stopped pumping water from the "Alouk" water station which they control near the town of Ras al-Ain several times since the beginning of the year. This station provides water for the city of Hasaka and three displacement camps. This, therefore, prevented people from accessing basic needs such as water and sanitation.

The crisis of the crossing and the tensions within the international Security Council regarding delivering supplies to the international relief groups working in the region has weakened these groups' ability to respond to the humanitarian crisis. Consequently, several facilities were forced to close due to the lack of supplies and medical staff.

Section One: Violations of the Turkish Forces and Aligned Groups

The indiscriminate and disproportionate attacks carried out by the Turkish forces and their affiliated groups - most of which were launched by artillery and airstrikes - were the main reason behind the number of deaths and injuries among civilians. It was also the primary motive behind the continuous waves of displacement.

- On 20 November 2019, Turkish military drones bombed a civilian car carrying 5 people in the center of the village of Kronfol, west of Tal Abyad, killing two civilians and seriously injuring three others, including children. The injured were subsequently transported to hospitals in Ain Al-Arab/ Kobani for treatment.

- On 02 December 2019, Turkish forces bombed civilian houses in the city of Tal Rifaat in the countryside of Aleppo, which led to the killing of 13 civilians, including children from Afrin. It also caused widespread destruction of residential buildings and shops.

- On 25 February 2020, the Turkish forces carried out artillery shelling on the villages of "Aqeba, Bineh, Dirjamal, and Soghankeh" in the Sherawa district, which led to the collapse of the house of (Hassan Haj Ezzat), in which lived a displaced family from Afrin. According to the Kurdish Red Crescent, the citizen (Izzat Hasan), his wife, (Fatima), and their daughter, (Sorusht Hasan, 12) were killed.

Section Two: Violations of the Syrian Democratic Forces/SDF

- On 25 October 2019, members of the SDF attacked a residential house near the village of Kufifah Arab in the city of Tal Abyad in Raqqa, killing (Mustafa Ismail Al-Hasaki) and seriously injuring his two brothers.

- On 29 October 2019, (Hassan Al-Khalil) was killed as a result of the explosion of a landmine remnant of the SDF in the vicinity of Al-Halawiyah village, north of Ain Issa.

- On 08 November 2019, the young man (Muhammad Sheikh Saeed) was killed as a result of the explosion of a landmine remnant of the SDF in the city of Tal Abyad in the northern countryside of Raqqa.

- On 08 November 2019, a woman called (Sumaya Saleh Al-Abad Al-Asheq) died due to a lack of health care in Al-Hol camp, east of Hasaka, as a result of the siege imposed on the camp by the SDF.

- On 09 November 2019, the young man (Ismail Hammoud Al-Thalaj) was killed as a result of the explosion of a landmine that the SDF had planted in the city of Ras Al-Ain in the Raqqa governorate.

- On that same 09 November 2019, the young man (Khader Hamad Al Hammadi) was killed as a result of the explosion of a decoy bomb that the SDF had planted in his house in the village of Al-Arisha, in the Tal Tamer sub-district in Al-Hasakah Governorate.

- On 11 November 2019, the young man (Asaad Al Habib) was killed and (Muhammad Dahman) was wounded by the explosion of a landmine remnant of the SDF in the village of A'aywa, north of Raqqa.

SDF has also started arbitrary arrest campaigns against a number of activists, civil work organizations, and service organizations that were established in the Raqqa governance after ending the control of ISIS over the city of Raqqa.

- On 17 December 2019, the SDF arrested for the second time the activist, (Mazen Al-Harami) in the city of Raqqa. Mazen was assigned the role of monitoring and evaluation in the "Weam" program to restore stability in Raqqa funded by the US State Department.

- On 12 February 2020, armed members of the SDF arrested (Jamal Al-Mabrouk) an engineer and former employee of the "Euphrates Program".

- On 26 February 2020, a security force affiliated with the SDF arrested (Nizar Al-Uqla), Chairman of the "Future Makers" organization.

- On 29 February 2020, members of the SDF arrested the Chairman of the "Inmaa" organization (Ahmed Al-Hashloun).

- On 03 March 2020, a security group affiliated with the SDF raid the village of Jaabar in the western countryside of Raqqa and arrested the lawyer (Omar Al-Khamri), his brother, (Saleh Al-Khumri), two of his cousins (Khamri Omar Al-Khumri) and (Omar Abdel Fattah Al-Mulla Issa). They took them to an unknown destination. The Lawyer (Omar Al-Khamri) is the Chairman of the "Together for Al-Jarania" organisation.

Section Three: Violations of the Islamic State in Iraq and the Levant/ISIS

- On 11 November 2019, gunmen affiliated with ISIS shot the pastor of the Armenian Catholic Church in Qamishli, Father (Husayb Bedoyan), and his father, which led to their immediate death. This happened while they were checking the endowments of the Armenian Catholic Church in Deir Ezzor, eastern Syria. According to witnesses, the incident occurred in the town of Al-Zer in the Al-Basira region in the Deir Al-Zour governorate.

- Shortly after the killing of the priest, 3 explosions rocked the city of Qamishli, one near the Chaldean church and the other in the central market, and the third near the Al-Sufara hotel. Gunmen affiliated with ISIS carried out the explosions using two car bombs and a motorcycle. The attacks caused the death of 5 persons and injured more than 40. Most of the injuries ranged between suffocation and burns exceeding 35%. The Kurdish Red Crescent stated that the 3 people with severe burns would be transferred to the Kurdistan region of Iraq for treatment. ([Video](#))

Section Four: Violations of the Russian Forces

On 22 November 2019, 3 civilians were killed, all of them were women, as a result of a collision of a Russian armored vehicle with a civilian car in the northern countryside of Manbij. The civilian car "Honda agricultural" was coming from Al-Safi's village road while the Russian armored vehicle was on the Al-Gat road. The accident happened at the village junction, which led to the instant death of the 3 women. The driver and his son were transported to the hospital in Manbij due to their serious injuries.

Section five: Violations by Unknown Parties

During the period covered by this report, an increase in car bombs and improvised explosive devices attacks was documented. Furthermore, the use of vehicle borne improvised explosive devices in various areas was documented. Since the signing of the ceasefire agreement on 22 October 2019, the office of the United Nations High Commissioner for Human Rights (OHCHR) has recorded an increase in the number of attacks which affected a number of residential neighborhoods and at least 12 crowded commercial markets in the governorates of Al-Hasakeh, Al-Raqqa, and Aleppo.

According to the OHCHR, improvised explosive devices were used mainly in areas under the control of Turkish forces and the Turkish-backed armed groups. It was less used in areas under the control of Kurdish armed groups in the north and north-eastern Syria. The use of improvised explosive devices could constitute an indiscriminate attack, which amounts to a war crime. It might also constitute the elements of the crime of genocide.

The incidents verified indicate that at least 32 attacks using different types of improvised explosive devices have occurred between 25 October until 01 March, 26 of them were recorded in areas under the control of the Turkish forces and the armed groups affiliated with them. According to the statistics of the VDC, at least 101 civilians were killed as a result of these attacks, in addition to dozens of other people being injured to varying degrees.

- On 25 October 2019, unknown parties detonated a car bomb in the town of Hammam al-Turkman in the Raqqa governorate. The bombing resulted in the fall of the civilian (Ali al-Fadhli) and wounding others.

- On 26 November 2019, at least 12 civilians, including 8 men, 2 women, and 2 children, were killed as a result of a car bomb explosion in a residential area in the town of Tal Halaf in the countryside of Ras al-Ain, Hasaka.
- On that same 26 November 2019, 6 civilians, including 4 men and 2 children, were killed when a car bomb exploded near a fuel station in the Al-Sinaa neighborhood in the city of Tal Al-Abyad in northern Raqqa.
- On 28 October 2019, the civilian (Ahmed Al Hinto) was killed by a landmine explosion in the village of Khafiya Al-Salem, north of Ain Issa, in the Raqqa governorate.
- On 02 November 2019, a car bomb exploded in the popular market in the city of Tal Abyad. The explosion killed 13 people and seriously injured others.
- On 04 November 2019, a young civilian (Ibrahim Muhammad Al-Mahjoub) was killed by a mine explosion while he was grazing sheep in the town of Markada, south of Hasaka.
- On 10 November 2019, 7 people were killed, and dozens were injured as a result of a car bomb explosion near the "al-Jabri" bakery in the city of Suluk, east of Tal Abyad, in the Raqqa governorate.
- On 23 November 2019, a car bomb exploded near the "Al-Eskan" bakery in the city of Tal Abyad, killing 10 people and injured more than 15 others, including children. The explosion also caused great damage to houses and markets.
- On 19 December 2019, a car bomb exploded in Mabrouka village, killing 6 civilians and injuring 8. The car was parked near a shopping mall in Mabrouka village. The deceased included 5 persons from the (Hamad Al Jassim) family, among whom were 4 children, in addition to a sixth person who owns a restaurant in the village.
- On that same 19 December 2019, a car bomb exploded near the municipality building in the village of Tal Halaf in Al-Hasakah Governorate. The explosion killed 4 civilians and seriously injured others.
- On 23 December 2019, a car bomb exploded in the marketplace of the City of Suluk, next to Hassan Al-Issa school in Al-Hasakah Governorate. The explosion killed 7 civilians, including a baby girl, and injured dozens of civilians.
- On 01 January 2020, a car bomb exploded in the city of Suluk in the northern countryside of Raqqa. The explosion killed 3 civilians and injured many others.

- On 16 February 2020, a car bomb exploded in the city of Tal Abyad near Al-Antar homes in Al-Wasil Street near Khalil Al-Kayed restaurant. The explosion killed 5 civilians and injured others with varying degrees of injuries.

- On 26 November 2019, the bodies of 5 women and a child who were slaughtered were found near the automatic oven in the city of Tabqa, without identifying the perpetrators.

Recommendations

Parties to the conflict

- To take all the possible measures to ensure the protection of civilians and civilian objects during military operations and to respect the international standards and procedures designed to prevent civilian casualties. Furthermore, to ensure the absolute neutralisation of the water resources, schools, hospitals and health centers and working on their protection. To facilitate the work of the medical aid teams and permitting unimpeded access, and to take immediate measures to remove the restrictions that hinder the passage of humanitarian aid.
- To completely adhere to the rules of the International Humanitarian Law in the events of planning and launching strikes, including cancellation of the attacks that carry the risk of being indiscriminate, disproportionate, or other dangers that make it unlawful, and to completely stop using wide-area impact explosive weapons to minimise the civilian harm and to take all possible precautions in cases of imminent attacks that might affect civilian areas.
- To release all detainees and forcibly disappeared persons in prisons and detention centers. To take all possible measures to end torture practices and cruel and inhumane treatment, and to adhere to the principles of a fair trial in all stages of arrest, investigation, and detention. The immediate and absolute suspension of death sentences and ensuring regular entrance of the international monitoring mechanisms and international organisations to the detention and arrest centers.

The Turkish Government

- To emphasise the unity and independence of Syria and its demographic fabric. Also, to announce that Turkey's intervention in Syria is temporary and limited in terms of time and place, and to completely suspend the Turkification policies and any suppression of the local population and to commit to the local governance in its areas of control according to representative mechanisms that ensure participation of all components and to recognise the authority of the local councils to manage their communities and to empower and support them to fulfill this role, instead of treating them as an executive arm or just a local assistant to the Turkish administration.

- To take full responsibility for the security situation in the area and the repeated bombing incidents, being an occupying authority that is responsible for the protection of civilians in its areas of influence. To take also the responsibility of any implications, the military operation has on spreading terrorism or return of the terrorist organisations - including the terrorist organisation of ISIS - to carry out their activity in the area and to immediately take all necessary measures to ensure that foreign terrorist fighters do not infiltrate in or out of Syria
- To investigate the allegations of International Humanitarian Law violations and to work on ensuring the prosecution of those found responsible for them among the Turkish army or groups affiliated with or working under its supervision, and to apply penalties against whoever planned and gave orders to commit these violations, provide immediate, suitable and effective reparation for the damage resulting from military operations and to find a mechanism to ensure that the compensations are distributed effectively

The Syrian Opposition

- To declare the independence of its decision and its national reference, to reject its use as a political or symbolic cover for the policies of any foreign party, emphasising the neutralisation of civilians from conflict regardless of their civil identities or political loyalties, to investigate the allegations of the International Humanitarian Law provisions by members of the National Army and to hold the Turkish occupation to full responsibility to protect the civilians in the areas under its authority in Syria.
- To commit to and emphasise the provisions of the international bill of human rights as a base to construct a political system closer to the values of justice, freedom, and equality without any form of discrimination between the national components. To acknowledge the existence of a Kurdish Syrian case in its broad indicative concept, and not just a problem or cultural demand. To affirm that conflict resolution and bringing about a lasting and democratic solution in Syria will not be carried out without the involvement of all components without exception in the light of a civil system and a state of institutions and law, and democracy with no majorities or minorities based on religious, sectarian or doctrinal identities.

The Autonomous Administration of North and East Syria

- To commit to the provisions of the International Humanitarian Law and the International Human Rights Law and the Charter of the Social Contract of the Democratic Federal of North Syria (The Constitution of the Rojava) which it declared, and specifically to the Articles 17-18-19-28-29-30.
- Immediate indictment of the detainees with credible evidence of committing crimes, through procedures that align with the international standards of a fair trial, releasing the rest, providing compensation for those unlawfully detained, and the announcement of a direct and clear path to report the arrest and enforced disappearance practices in a safe and efficient manner that guarantees that the reporter does not fear revenge.

- To conduct immediate investigations in the current allegations of arrests and enforced disappearances. To locate and release those who are illegally detained by the military and security forces, prosecuting those who were found to be responsible for these violations, devoting to the principle of a fair trial in the judicial institutions, complete prohibition of secret trials and immediate suspension of death sentences.
- To issue strong and repeated public statements that all military, security, and partisan forces are obligated to follow the law and that procedures of summoning, arrest, detention, and investigation are limited to the judicial authorities, stressing that detainees are only detained in the official detention places, their relatives are notified within 24 hours of detention, the detention place and time are determined and that suspects are referred to the judiciary according to the specified legal deadlines.
- To ensure that all detention facilities and detention authorities maintain a central registry open to the public that includes the names of all detainees, their dates of arrest, expiration dates of their legal detention period, the legal basis of their detention, and the date they appear before a judge, and to guarantee that the Higher Commission of Human Rights and the legal committees are given the right of unrestricted and unannounced access to all detention places and access their records.

The United States of America and the European Union

- To pressure the autonomous administration to adhere to the principles of comprehensive governance in the areas under its control, including fair empowerment of all the components to exploit resources, as well as granting them their rights to credibly participate in local governance and ensuring that the local governance structures represent the demographic composition and the political diversity of the population in the area.
- To investigate whether the US or European military aid, including weapons and ammunition transfer and military training, has been used in the violations documented in this report and to suspend the military, security and intelligence aid to the units involved in these violations until the administration takes the measures to end the grave violations of human rights.
- To include principles and applications of the International Humanitarian Law and the International Human rights Law training programs, especially regarding treating women and children, as a part of any US or European military or security assistance for governments or entities and to follow these programs up with periodic monitoring visits to the training sites of the forces that receive assistance to assess its efficacy.

- To seek the isolation of the Syrian case from the wider range of tensions in regards to the American or European- Turkish relations, asking the Turkish government not to break the terms of the bilateral agreement with the USA regarding the suspension of the “Peace Spring” military operation and to encourage and sponsor the peace talks between Turkey and the SDF to dispel the Turkish concerns and withdraw the excuse for any violations committed under the pretext of protecting the Turkish national security.
- To continue the diplomatic effort to find a compromise formula between the various Kurdish factions and parties to reach preliminary understandings based on the 2014 Dohuk agreement on governance and partnership in administration, protection, and defense, within a comprehensive vision of expanded understandings at the level of Syria to settle the conflict based on the Geneva reference, as the only pathway to consolidate and sustain gains after the regional defeat of ISIS.

The United Nations

- The UN Security Council to take immediate and concrete steps to fight the climate of impunity that is prevalent in Syria, to remove the obstacles criminal justice is facing, to effectively prosecute those responsible for the grave violations of the International Human Rights Law and the International Humanitarian Law and to reject any efforts to grant immunity to those involved in them.
- The UN Security Council to issue a resolution that obligates all parties to the conflict to allow the immediate and unimpeded entrance of the staff of the “Independent International Commission of Inquiry on the Syrian Arab Republic”, humanitarian organisations, human rights organisations and international reporters to receive regular and objective updates about International Humanitarian Law violations that could be attributed to one of the parties to the conflict.
- The international judiciary represented by the International Court of Justice to formulate a unified definition of terrorism and a full briefing of its actions as international crimes directed against the wider humanitarian society, and to distinguish it from other concepts to ensure the effectiveness of fighting it, especially with regard to armed struggle stipulated in the international treaties and the United Nations Charter. Also, to emphasise the criminalisation of State Terrorism on the domestic and international levels to reach a comprehensive, international framework recognised by the international community to organise it.
- The General Assembly of the United Nations to request an advisory opinion from the International Court of Justice to determine the legality to use drones, to find a legal compromise formula that suits the technical development taking place in wars at the expense of the human element, and to adopt a binding resolution from the International Security Council to regulate the situation of this technology in the light of the International Court of Justice advise.

- To include the issue of drones and the countries using them among the annuals reviews of the Human Rights Council and other organisations, to obligate the countries that use drones in military operations to provide precise data on these operations, to create a special rapporteur for victims of those drones in the International Council of Human Rights to hear complaints and to provide the suitable suggestions for each case.
- To adopt new additional protocols or add paragraphs on conventional weapons that were not covered in the applied protocols to face the development of weapons and creation of new methods and changes in the course of wars and conflicts, such as “car bombs” and to find formulas to permanently prohibit their use as it is impossible to comply with the principles of proportionality and distinction.
- To investigate the situation of human rights in northern Syria through the Independent International Commission of Inquiry on the Syrian Arab Republic, and that state and non-state actors share all evidence of serious crimes in northern Syria with the impartial and independent international mechanism IIIM, to ensure the accountability through the relevant criminal procedures.

The International Community

- To act with utmost speed and pressure with all means towards approving a political settlement based on the Geneva Communiqué and the UN Security Council relevant resolutions to preserve the unity and stability of Syria, to reject attempts to freeze the conflict, converting the current security borders into political ones and stabilising the resulting demographic change, since this means preserving the factors of the conflict throughout the region, increase in the asylum and displacement waves and the impossibility of starting the return file.
- To act with utmost speed and to pressure with all means towards approving a political settlement according to Resolution 2245, for what threats the Syrian situation updates, and in the north particularly, could pose towards the international security and peace, given that the Islamic State could benefit from the episodes of chaos as a suitable, incubating environment for its activities and operations, a matter that the regional affairs could direct to in case the international retreat policies towards the Syrian crisis continue.
- The Arab Group to adhere to the Charter of the Arab League and its goals to preserve the security and integrity of the Arab region in various aspects, to stop the mutual hostility policies with Turkey, which is inevitably connected to the Arab region historically and geographically, and to work to control the Turkish role in the region to be a complement and not a substitute of the Arab roles, through reviving the Arab roles and initiatives and support them with the active Turkish role, in line with the interests of the people in the region.

- To emphasise the rejection of any Turkish attempts to impose demographic changes in Syria through the use of force, and asserting that any such acts constitute a violation to the international law, fall under law crimes, and may live up to constitute the pillars of genocide that requires international accountability and criminal prosecution of its perpetrators, as it imposes a dangerous threat to the future, unity, territorial independence and the cohesion of Syria's social fabric.
- To take all necessary measures to impose compliance by all parties to the conflict with the rules of the International Humanitarian Law in Syria, to hold all those involved in violations or crimes in this matter responsible, and to move in this context to work on the application of the International Reference decisions to prohibit the supply of weapons to Syria and to stop any military or informative aid that could help any party to continue committing grave violations of human rights and the International Humanitarian Law.

Regarding the file of Transitional Justice

The Syrian civil society

- To pave the way for the national reconciliation process at both the political and grassroots levels, opening the way for national initiatives and projects aiming at reaching a national settlement that adopts reconciliation as a long-term community project based on the foundations of truth, accountability, reparation, and ensuring non-occurrence. To achieve a national consensus between the various civilised community framework components, as an introduction to a new social contract, and a national charter that redefines the Syrian state and identity, an inclusive, pluralistic identity that represents the diversity of Syria, and not reduced to one of its components, which is joined by the bond of citizenship, whose nationality is one of its most prominent manifestations.
- To emphasise the essential role of education in achieving a high and continuous degree of social peace. To start preparing studies for setting the policy and curricula of education in Syria, as a part of a comprehensive reform plan to deal with the educational curricula that consecrated bullying and societal divides and national discrimination, and reformulating them in the light of promoting critical thinking, freedom, the principles of human dignity and equality, and respect for most distinctive linguistic, material, intellectual and emotional features of the Syrian society.
- To work rapidly, and from now on, to put in place appropriate systems, draft laws and proposals to liberate bilateral agreements to facilitate the passage of individuals, funds, and goods with neighbouring countries, in a way that eases the limitations of the official approved borders and allows the national and religious gatherings distributed between the area's countries to culturally, socially and economically communicate in a natural manner, and to move freely in its historical and geographic scope, which also supports the process of development, promotion and economic recovery in its regions.

- To establish the appropriate frameworks and systems to ensure the participation of young people in the upcoming processes of transitional justice, as they are the group that has a superior potential to confront and stop the cycle of violence and hate, and which has a vision for the necessary changes to secure a better future, to ensure the stability of Syria, which is dependent on achieving a general sense of justice, and raising the level of awareness of the comprehensive effects of conflict and suppression to help prevent its recurrence.



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