

War Crimes against Humanity in Flagrant Violation of the Rules of International Law



The Hostilities on Afrin

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Introduction

The security requirements of public order are not inconsistent with the rules of international law, which governs the conduct of public and military operations. However, such laws cannot be invoked to justify security-related acts if human rights and the sovereignty of a state are violated, especially by neighbouring countries. Respect for the rules of international law during armed conflicts requires all states concerned to implement these laws to contribute to the cessation of unjustifiable hostilities.

However, after the 2nd week of the fighting, the ongoing events in Afrin in northern Syria are a flagrant violation of human rights and international humanitarian law, after being attacked by the Turkish state and its associated militant groups. Afrin was the safest area in Syria. In the face of these indiscriminate and unjust attacks, it is necessary to apply the rules of customary international humanitarian law and the protection of the victims of armed conflicts. The hostilities by the Turkish state have exceeded the declared objective of the operation by targeting civilians and the infrastructure, including mosques, as well as the destruction of archaeological sites and the use of internationally prohibited weapons.

So what are the legal bases for the Turkish state argument, when it stated that it derived the attack on Afrin from the rules of international law?

Principle of Non-Interference in Domestic Affairs of States

International alliances and treaties are an obligation on the member states to implement the rules of international law. In this regard, Turkey is a member of the North Atlantic Treaty Organisation (NATO) for more than 60 years. Turkey's invasion of Syrian borders and territories and its disrespect for the sovereignty of the Syrian state are matters that require intervention by the states concerned with maintaining international peace and security to stop Turkey's hostilities in Syria since the beginning of the Syrian revolution until recently in Afrin according to the following principle:

1-The Principle of Non-Interference in the Affairs of States:

All charters of international organisations prohibit all forms of interference in the affairs of other states. This principle is linked to the basic rights of states:

- Sovereignty.
- Equality among states, especially in terms of sovereignty and states' ability to choose their political, economic, and socio-cultural systems.
- States' right to manage their natural resources.

Any interference would diminish the sovereignty and authority of the state over its territory.

2. Resolutions of the UN General Assembly: Resolution 2131/December 1965

“Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty”

“No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.”

“No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind.”



As we have stated, the basic rule of respect for the sovereignty and rights of states is to respect the principles and charters mentioned, which proves that the Turkish occupation has gone beyond these principles and interfered in the internal affairs of states under unjustified justifications.

The Turkish State's Justifications of Invading Afrin

- At a conference held in the Turkish city of Kilis, Recep Akdağ, the Deputy Prime Minister, said: “Turkey launched the Olive Branch Operation within the framework of the rights guaranteed by international law to protect our country and neighbours from terrorist organisations such as the PYD, the YPG and Daesh in Afrin.”

The Turkish Chief of Staff also announced that the launch of the Olive Branch Operation is to establish security and stability on the borders of Turkey. The statement stressed that the Operation is taking place within the framework of Turkey's rights to combat terrorism and

the right of self-defence, guaranteed by international law and UN Security Council Resolutions and Article 51 of UN Charter.

However, the Turkish state's violations of the Syrian borders have been taking place since the beginning of the Syrian revolution through supporting and allowing members of the terrorist organisation Daesh to enter Syria via Turkey, as well as targeting innocent civilians, who were trying to seek refuge in Afrin.



The Turkish state's claim of the presence of Daesh members in Afrin is simply untrue. Afrin has always been protected by the People's Protection Units (YPG), the Women's Protection Units (YPJ), the Asayesh (Police) and the Syrian Democratic Forces (SDF), which have collectively played a pivotal role in the fight against Daesh and other terrorist groups. Therefore, attributing terrorism to these forces to justify the invasion of Afrin by the Turkish state is illegal.

- Article 51 of the UN Charter states: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of

the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”

This article does not justify in any way the Turkish invasion of Afrin, and thus endangering the lives of innocent civilians. Turkey was not attacked by the local forces in Afrin, but on the contrary, Afrin and its villages had been bombed by the Turkish army before the start of the so-called “Olive Branch” operation.

The Turkish Occupation Targets Civilians in Afrin

- International humanitarian law is concerned with the protection of combatant persons. It imposes upon belligerent states a set of obligations. The 1st, 2nd and 3rd Geneva Conventions place restrictions on the behaviour of belligerent parties during the conduct of military operations. The 4th Geneva Convention and its Additional Protocols also protect civilians and their properties, as well as public properties, such as schools, universities, hospitals, places of worship, bridges, farms, factories and others.

These principle are based on:

- The distinction between military and non-military (civil) targets. Article 48 of Protocol I of 1977 states: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

International humanitarian law has provided general and special protection for civilian objects, which is evident in the 4th Geneva Convention 1949 and the Protocols I and II the Geneva Conventions of 1977 and the Hague Convention of 1954, related to the Protection of Cultural Property in the Event of Armed Conflict.

In the case of general protection, Article 25 of the Hague Regulations concerning the Laws and Customs of War on Land, 1907, states:

“The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.”

In case of special protection, Article 25 of the 1923 Hague Rules of Air Warfare provides:

“In bombardment by aircraft, all necessary steps must be taken by the commander to spare as far as possible buildings dedicated to public worship, art, science, or charitable purposes, historic monuments ... provided such buildings, objects or places are not at the time used for military purposes.”

- Objectives and materials indispensable to the survival of the civilian population.
- Cultural objects and places of worship.
- Protection of works and installations containing dangerous materials.
- Protection of the natural environment.

Based on all the above, we have provided international charters and treaties that prohibit the targeting of civilians and objects or materials indispensable for their survival and cultural and religious places. However, in Afrin everything has become permissible by the Turkish army, which has been targeting innocent civilians, including refugees and IDPs, who fell victims of the policies of a state that supports terrorism before the world's eyes. As we mentioned before, Afrin was the safest place in the region.



Some of the victims, massacred by the Turkish occupation army, which targeted civilians in the village of Haj Khalil in Raju district in Afrin



Some of the victims, massacred by the Turkish occupation army, which targeted civilians in Kobala village in Afrin.

The violations of the Turkish army and its associated groups did not only target innocent civilians and their properties, but also infringed upon the historical and cultural objects of humanity by attacking cultural and historical sites. The aim was to eliminate the cultural heritage of Afrin and its peoples. The Hague Convention on the Protection of Cultural Objects in the Event of Armed Conflict of 1954 and the provisions of the Protocols I and II of 1977, clearly state:

“Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

- (a) To commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples.
- (b) To use such objects in support of the military effort.
- (c) To make such objects the object of reprisals.

Resolution No. 2347 adopted by the UN Security Council at its 7907th meeting, on 24 March 2017, deplored the unlawful destruction of cultural heritage, religious sites and artefacts, and the smuggling of cultural property by terrorist groups during armed conflict, affirming that such attacks might constitute a war crime and must be brought to justice.

With reference to all of the above, the bombing of archaeological sites and mosques in Afrin is part of the systematic and direct attack by the Turkish army, which can be considered as acts of terrorism according to the rules of international law and UN Security Council resolutions. The Turkish army destroyed large parts of Ain Dara temple, which dates back thousands of years (12,000 years according to some experts). In addition, the Turkish army targeted Salah Al Din Mosque and the cemetery of Jindiris.



Photos of the Turkish army's attacks on Salah Al Din Mosque and the cemetery of Jindiris.



Photo of the Turkish army's attack on Ain Dara temple in Afrin.

The Turkish occupation army claims that its operation is based on the rules and provisions of international law, on the pretexts of fighting terrorism, while it uses terrorists in the battles in Afrin:

It is well-documented that Turkey is among the leading countries that support terrorism, especially in the battles that took place in the city of Kobani in northern Syria and more

recently in Afrin. There are a lot of documents that show that many people who were members of different terrorist organisations, such as Daesh and Al Nusra Front, are now fighting in Afrin. How can a state claim to be fighting terrorism, while using terrorists in its attacks to undermine the will of the Kurdish people as well as the Syrians?

Information about elements of Daesh, who are currently members of groups within the Euphrates Shield campaign

1. Anwar Ibrahim Al Jabo, born in 1976, from the village of Al Beshririya near the city of Terbah Sepi. He used to work as a lorry driver and joined Daesh. In 2015, he went to Turkey and is now a member of the so-called Free Syrian Army.

2. Ismail Firas Al Abar, from Sabikhan village in Deir Al Zour. He is 35 years old and was a Daesh military commander for 2 years. He escaped from prison and went to Turkey where he remained for 1 year. He is currently the commander of a battalion of the Euphrates Shield.

3. Basel Nayef Al Shehab, nicknamed Abu Zeid Al Ta'ai, originally from Qortoba village near Tel Hamis. Initially, he was with Al Nusra Front and later joined Daesh and fought against the YPG in Kobani. He also participated in the battles of Manbij and was wounded there. He was taken to a hospital in Mosul. A month later, he went to the northern countryside of Aleppo and settled in Al Bab area. Basel is currently a leader of faction within the Sultan Murad Brigade in Al Bab.



4. Abdul Qader Al Sawyj from Al Saba'a Al Arbeen village near Al Shadadi town. He was a member of Daesh and currently is the assistant commander of the Al Hasaka Shield Brigade, which is linked to the Turkish army.

5. Ammar Abdul Aziz Al Abbas, from AL Hermoushiyeh village near Deir Al Zour. He was a member of Daesh and was nicknamed Abu Hamza. He is currently a fighter within Tja'ama Al Sharqiya faction in Idlib and is now nicknamed Al Battar.

6. Ammar Musa Al Hammadi from Al Qairwan village near Darbasiyeh town. He was a member of Daesh in Al Raqqa, and is currently a member of the Euphrates Shield in the city of Jarablus.

7. Khalil Ahmed Nuri, from Al Arisha village. He was a member of the so-called Free Syrian Army in Al Arisha and later joined Al Nusra Front. He joined Daesh and fought in Al Shadadi.

He went to Al Mayadin and participated in the attack on Abu Khashab. He escaped from Daesh and is currently a member of the Euphrates Shield campaign.

8. Mehran Khalaf Al Sufi: worked within all the militant factions. He joined Daesh and was supervising a group of Tunisian and Algerian terrorists, who he helped them to cross into Iraq. He left Daesh and is currently working with the Euphrates Shield campaign as a security officer.

9. Hamad Abdullah, from Samihan village near Tel Barak. He was born in 1995 and was a member of Al Nusra Front. He later joined Daesh in Al Shadadi and went to Turkey and joined the Euphrates Shield campaign.

10. Saleh Shehadeh: Father's name: Mohamed Al Ahmed. Mother's name: Amina. He was born in 1986 in Al Qanayya west of Kobani. He joined Daesh and participated in the battle of Kobani. He then fled to Jerablus and remained a member of Daesh. He later joined the Euphrates Shield campaign in Jerablus.

11. Thamer Nawaf Al Khalloufi (known as Abu Abbas) from Tel Hamis. Initially he was a member of the so-called Free Syrian Army in Tel Hamis and worked under the leadership of Abu Hamam. After Daesh's control of Tel Hamis, Thamer pledged allegiance to Daesh and participated in many of their battles. Following the liberation of Tel Hamis, he fled to Turkey and joined Ajnad Al Hassaka group in Turkey. He later became an important member of the group, recruiting young people for the Euphrates Shield campaign.



12. Mohammed Mahmoud Al Jassim: Mother's name: Warda. He was born in 1986 in Dikan village in Sarin. Initially, he joined Daesh and remained in Sarin and following its liberation he fled to Jerablus and joined the Euphrates Shiled campaign. He is current role is a security officer and responsible for recruiting young people to the Campaign. His brother, Ahmed, was a member of Daesh and recently fled to Jerablus.



13. Hamad Al Salama from Al Shayokh Tahtani. He joined Daesh and fought many battles. He later joined the Euphrates Shield campaign. He is now a senior security officer in Jerablus and works closely with Turkish intelligence.

14. Ahmed Ayoub Al Hesso, from Raheea village. He was a member of the so-called Free Syrian Army and later joined Daesh. He is currently an officer of the Euphrates Shield campaign in Turkey.



15. Shawkat Khoja Sama'awi from Shayoukh village. He is 50 years old. He was a senior security officer within Daesh and participated in the battle of Kobani. He is currently a leader of one of the factions of the Euphrates Shield campaign.

16. Bassel Hamoud Al Yassin Al Shaykhan, from Al Jalaa village (10 km away from Al Raqqa). He used to work with Daesh as a security officer, together with brothers: Yassin Hamoud Al Yassin and Bashar Hamoud Al Yassin. They are all in Jerablus working for the Euphrates Shield campaign.

17. Names of a number of people, who joined Daesh in Tel Hamis and later joined the Euphrates Shield campaign:

- Mohamed Amin Asyod: mother's name: Na'aima. He was born in 1975 in Balqish Saghyra.
- Ahmed Amin Asyod: mother's name: Na'aima. He was born in 1983 in Balqish Saghyra.
- Amer Sulaiman Al Abdullah: born in 1981 in Hanwa Kabeer in Tel Hamis.
- Adnan Sulaiman Al Salem: mother's name: Fawza. He was born in 1983 in Hanwa Kabeera in Tel Hamis.
- Ismail Saleh Al Faihan: born in 1985 in Hanwa Kabeera in Tel Hamis.

- Thamer Nawaf Al Dahas: mother's name: Mahia. He was born in 1987 in Am Kuhaif in Tel Hamis.
- Nawaf Khalaf Al Dahas: mother's name: Shiha. He was born in 1959 in Am Kuhaif in Tel Hamis.
- Majhem Nawaf Al Dahas: mother's name: Mahia. He was born in 1983 in Am Kuhaif.
- Melhem Nawaf Al Dahas: mother's name: Mahia. He was born in 1985 in Am Kuhaif.

18. Mustafa Mohammed Qaddour and Salman Mohammed Qaddour: both joined Daesh for a short time. They then fled to Turkey and joined the Euphrates Shield campaign.

19. Shaddad Abboud Al Akla: his nickname is Abu Yarub, and aged 32 years. His mother is Sara Abdulaziz. At the beginning of the revolution, Shaddad was one of the most prominent activists in the Ghuarayan district. He participated in the battles of Sri Kaneh. He had two brother (Abu Assad and Abu Majed) and both were killed in the battles of Sri Kaneh. He later joined Daesh in Al Mayadeen. He then fled Daesh and went to Jerablus to join the Euphrates Shield campaign.



20. Hussain Ahmed Dakhmi (Abu Jareih) from Qasabin village. He was a member of Daesh and currently is a member of the Euphrates Shield campaign.



21. Mohamed Yasin Zaeer from Al Bab. He has a son called Shadi and is a military police officer within the Euphrates Shield campaign. He is also the co-ordinator between the Euphrates Shield and the Turkish intelligence. He is now involved in the attack on Afrin. He has 2 brothers, Ward and Fahed, both are members of Daesh.

All these names prove the involvement of the Turkish occupation army in supporting terrorism, either directly or indirectly.

Turkey is a Member of NATO

The Turkish occupation army claimed that it would fight terrorism, liberate civilians and repatriate refugees. The world knows that those who the Turkish army fight had the greatest role in defeating terrorism in the Middle East. In addition to the targeting of innocent civilians and the destruction of cultural objects, the Turkish army also attacked the infrastructure in Afrin, including dams and factories. These attacks constitute a gross violation of international law.



The Turkish army targeted the Midanki Dam in Afrin



The Turkish army attacked the vital infrastructure in Afrin (electricity-generating site)

How can a NATO member carry out such attacks, which are considered more dangerous than terrorist attacks? These violations are the common denominator between Daesh and the Turkish army.

The Preamble of NATO reads as follows:

“The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law.”

Article I of the Treaty states:

“The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.”

However, NATO Secretary-General, Jens Stoltenberg, said that Turkey has “the right to defend themselves, but this has to be done in a proportionate and measured way.”

In addition to all the violations of international law by the Turkish state, the countries concerned should intervene to stop the Turkish military operations in Afrin, which have reached the level of war crimes.

Article VIII of the Statute of the International Criminal Court, issued in Rome on 17 July 1998, stipulates that war crimes shall mean:

(1) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

(2) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities.

- Intentionally directing attacks against civilian objects, that is, objects which are not military objectives.

- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives.

- Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives.

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