



*The English translation from Arabic*

## Memorandum

### **About the recent report of the international investigation committee relevant to Syria Concerning Afrin territory-north west of Syria**

**To:**

- **Secretary-General of the United nations Mr. Antonio Guterres**
- **United Nations High Commissioner for human rights Michael Bachelet.**
- **The independent international investigation committee for Syria .**
- **The representatives of member states of human rights council of the United Nations .**

The report A/HRC/40/70 was published in 31 January 2019 and issued by the independent international investigation committee relevant to Syria, interim 11 July 2018 and 10 January 2019 presented to the 40th session 25 February-22 March 2019 of human rights council, showing that the committee investigated a lot of committed abuses, and concluded that "the violations and non-presence of rule of law constitute a hard situation for civilians all over the country... And despite the general recession of hostilities, there are still several challenges concerning the sustainable return for displaced people internally and refugees".

As to Afrin (kurdagh) North West Syria, which was occupied by the Turkish army accompanied by Jihadist armed factions, after an aggressive war operation under the name of "olive branch " interim 20 January 18 March 2018, the respected investigation committee reported paragraphs of the report about the general situation in the region, where it pointed to "the nonpresence of law rule", arresting, arbitrary detention, kidnapping, torture, looting and properties seizing, aggravated unsettled security situation, as well as kidnapping operations at the hands of armed groups and criminal gangs for exploding of booby-trapped cars and improvised bombs, people extortion for paying bribery, collective looting of olive season, women harassment, issuing the documents of vital identity... looting and seizing civilians houses". It was stated that "the committee couldn't determine whether the Turkish authorities would be able to control the behaviour of armed groups ". And said "they are still unable to emphasise to what extent Afrin and its villages are under the Turkish forces or armed groups... and if the Turkish forces are able to practice the factual authority and carry out the governmental functions in Afrin... Because of savage nonpresence of law rule, it is still unclear whether the Turkish forces are able to practice the comprehensive control on any of existing armed groups in the territory."

**Gentlemen...**

Whilst we appraise your endeavours about the situation in Syria, and appreciate the difficulties that face the work of your committee, we present some observations and affairs that were missed by the committee, and we think it mistook the evaluation of some aspects, hoping you pay attention to our memorandum to serve the efforts for putting an end to the tragedy of all Syrian people.

Afrin was a secure territory, witnessing remarkable progress under relative stability, by self-administration and sponsored by the units of people and woman protection YPG-YPJ, and met tens of thousands of expatriates from other Syrian territories, while it has become a region of disorder and chaos, after it was occupied by the Turkish army that gave way to the loyal jihadist factions in order to act wickedly.

**For more clarification, we draw your attention to:**

**First-** the Turkish military and administrative existence in Afrin is considered "**full occupation**" for several aspects:

- the Turkish war military operation against Afrin and on Syrian lands by air and land, using all kinds of weapons, with premeditation and preparation is assault and is considered a crime against humanity, in this respect, the article 51 terms are nonexistent in the charter of the United nations, and which the Turkish government took as a pretext, where no assault has taken place against the Turkish state alongside the borders with it from Afrin side, and there were no any direct threats or previous assaults against it, in addition to that, Ankara government didn't inform the world security council about the operation and its intentions, it didn't abide by the resolution of truce issued by the security council number/2401/24 February 2018,during the war. Thus there is no any legal basis for such operation.
- the Syrian government showed its refusal to the Turkish aggression on Afrin officially, and considered it occupation, and Syria has the right and duty to defend its land against any aggression according to the article/51/of the United nations charter, irrespective of side bargains between Turkey and countries that have influence and authority in Syria, those which allowed Turkey to wage war and aggression on Afrin.
- the self-administration and Afrin people as well as the political forces, refused the Turkish invasion and condemned it fully and took in a popular resistance against the aggression, calling frequently for solving problems between the two countries through dialogue and diplomatic channels.
- as long as Afrin lands are under the factual authority of another country (Turkey),so according to all facts and reports it is considered an occupied Syrian land referred to the article/42/of Hague agreement 1907,and it is not accepted to release other looting descriptions at the illegal Turkish presence in Afrin .
- submission of the territory residents to the Turkish government authority and administration through a public military existence, alongside the borders with Afrin internally and externally with light and heavy weapons, from (Der Balut village South Al Gazawya, to Sherawa mountain, the villages of Barad, Kimar, Basele, Jelbere, to Azaz bounds and within the region) Turkey which has directly sponsor officers over all the armed factions, in addition to the intelligence spread, and the executive staff of Hatay province, provided by tens of Turkish cadres.
- opening an official boundary gate with Afrin, near Hamam village- west Jenderes, and installation of Turkish telecommunication towers, post office, and intensified activity of the Turkish religious affairs "Dianat" as well as associations under charitable names for spreading the religious extremism and the Turkish intolerant national thought.
- the violation of Syrian sovereignty, a member in the United nations organisation, and raising the Turkish flag on all security and military headquarters, on educational and administrative buildings as well as public places, and even on the minarets of some mosques for cutback a part of Syrian lands to obtain Turkish expansionist greeds.
- Ankara government and its president Rajab Tayeb Erdogan don't conceal their enmity for any entity that represents the Kurds of Syria and the refusal of their rights. The purpose of their war on Afrin is hitting Kurds presence and their role, so sayings like (fighting terrorists and the protection of Turkish national security were just pretexts for justifying such aggression, and they frequently confirm their control on Afrin pretending falsely (providing security and stability).

**Second-** the operations of **systematic demographic change**, reach the level of ethnic cleansing against Kurds who constituted 95 percent of Afrin residents before the war but it decreased to less than 40 percent at the moment, this is done by forcing Kurds to emigrate and compulsory displacement by bombarding residential areas as well as terrorizing people.

- settling tens of thousands of people who were brought from other Syrian towns and housing them in the homes of native citizens of Kurds, in Afrin and Jenderes, Sheihk AL hadid, Mabatly, Rajo, Bulbul, Sharan, and hundreds of villages. Meanwhile the Turkish occupation authorities prevent opening

crossing points for displaced people to come back to Afrin, whose number exceeds/200 000/persons, and about/135000/still live in the areas of immigration.

- The emigrants and armed persons objection to evacuate the houses and shops which belong to Afrin citizens, in spite of their frequent requests and presenting many complaints.
- the people of many villages were prevented from return, because they have been occupied by emigrants or changed into military sites for the Turkish army and armed factions, (Basele, Jelbere, Qastal Hendon, Baflon, Sinks, Sheihkorze, Barova, Jabalia, Darwish...).
- causing general palsy at work and production, in addition to different pressures targeting more people to emigrate.

### **Third- what has been disregarded as well:**

- the systematic committed violations in Afrin are considered... war crimes and crimes against humanity, according to the humanitarian international law criteria, and they are wider and bigger than what has been mentioned in the report generally.
- the confirmed Turkish role in looting olive crop, by imposing bribes and taxes through local councils and restricting the movement of transport, sale and buying olive oil, which is bought in low prices by a Turkish team, at the same time, the Turkish minister of agriculture has confessed at a parliament session, in the context of impoverishment the native population whose main source of living is olive crop, and losses have reached about/105/million dollars.
- imposing financial fines by courts created by the occupation authorities on each employee worked with the former administration, as well as secret prisons, where the fate of more than/1000/kidnapped and arrested people is unknown.
- infrastructure decline because of bombardment or robberies and destruction intentionally, such as electricity and telephone network, drinking water, irrigation and water resources project... etc.
- low-level services and health care as well as education.
- Criminals and violators are not inquired and their escapement of penalty (impunity), but the victim is sometimes punished only for he presented a complaint.
- closure of the territory in front of media fact-finding committees and delegations of civil and jurist organisations interested in human rights.
- damages which came over the environment, trees, forests and ruins.
- looting and stealing crops of grains, fruits and vegetables.
- spreading the culture of religious extremism and racism, fighting the culture and legacy of the region through a lot of changes and violations, including the assault on symbols and landmarks that have cultural privacy to the Kurdish people and devastating them.
- oppression of Izadi's sect, closing and destruction of the only Christian church in the region.
- closing vocational institutes and the only Afrin University, where thousands of students lost their learning.
- seizing absentees properties and confiscating them, and preventing their relatives from managing them.
- housing about /7/ thousands of the armed persons with some of their families in Afrin, who fled from Idleb during the past months because of (Al-Nusra front) attacks.

### **Sirs...**

It is unusual for the international investigation committee to avoid burdening the Turkish state the responsibility for what is happening in Afrin.

Saying "it is unable to assure precisely to what extent Afrin was under the control of Turkish forces or the armed groups... And whether the Turkish forces are able to practice the actual authority and do their governmental duties in Afrin " although all the facts as it was mentioned above, confirm that Turkey controls actually most of Afrin geography and practice its authorities directly, and it leads practically the armed factions that show their loyalty to it publicly, and pays them monthly salaries then the government of justice and

development in Ankara is proud of imposing its control on Afrin, and considers Afrin operation as a success for its policy in Turkey and outside.

Afrin residents know well who commits crimes and violations and who is responsible for them, groups of the armed Jihadist factions under their different names and a direct Turkish overseeing, joining and planning where the Turkish officers dominate all cases of investigation and torture, there is no authority sharing in the subsidiary areas, according to the committee assessment, but there is one authority in Afrin and its countryside, it is the authority of Turkish occupation which employs the armed factions and local councils as tools for passing its policies.

The accusation of "individuals of armed groups" as it was mentioned in some points of the report , without burdening the responsibility to their leaderships and the authority of occupation, is wrong and doubtful, none of the Turkish forces withdrew from Afrin and weren't displaced by " individuals of armed groups ", but they reinforce their existence day by day, they have drawn a part of those groups to sites close to " Monbej and east of Euphrates" preparing for, possible invasion operations.

This necessitates the honourable committee to request Ankara government for answering many questions, and the committee or its representatives pay field visits to Afrin and areas of emigration, for fact-finding and identification of responsibilities exactly.

In addition to the necessity of allowing media and delegations of concerned jurist and civil organisations as well as employees of international Red Cross movement and Red Crescent to carry out their activities.

On the other hand, the committee didn't pay attention to the situation of Afrin emigrants whose number reaches /135/ thousands, they are existent in Shahbaa area, Tal \_Refat, Dair Jamal, Nubul, Zahraa, villages of Samaan mountain /Leilun, Robaria, Sherawa north Aleppo, and some live in miserable camps, in spite of the efforts of former administration of Afrin, they are in a tragic humanitarian situation, and not included by the humanitarian United Nations programs, and they are besieged between the Turkish forces , their loyal armed militias and the Syrian government forces, where they can't move to Afrin or Aleppo and areas of self - administration Menbej and east Euphrates, there was no return of tens thousands of civilians to Afrin " according to the report, emigrants can't go back to their homes because of closing the crossing \_points of the region before them and the fear from enormous violations, on the contrary, tens of families emigrated from Afrin towards Kobany and Al Jazeera, because of the wide violations, so there are new displacement.

We, the Kurdish democratic unity party in Syria (Yakiti) express our readiness for cooperation and help to detect the facts and transfer incidents to the international investigation committee, for we have permanent interaction with violations victims, people and activists in the region and out, and we have got a lot of documents and reports about the abuses, we want the committee to send fact-finding mission to Afrin and seek to accuracy in investigations describing incidents and specifying responsibilities and duties, we also call up the human rights council, the United nations and then the world security council to make efforts to improve the humanitarian situation for Afrin people wherever they are ,and put an end to the abuses, in addition to the Turkish intervention evaluation in Afrin and considering it "**occupation**" consequently enforcement the Turkish government to take its responsibilities and duties according to the laws and compacts related to the cases of occupation, and taking into account the humanitarian international law, for putting an end to the occupation , return of the Trittory to its people and the Syrian sovereignty, for servicing the efforts of finding a political solution to the Syrian crisis.

**06 March 2019**

**Thanks for your good interest**

**The Kurdish democratic unity party in Syria (Yekîî)**

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