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Human rights situations that require the Council's attention

Written statement* submitted by Centre Europe - tiers monde, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Human rights violations in North and East of the Syrian Arab Republic

Context

The population of the region of North and East of the Syrian Arab Republic suffers from widespread and systematic human right violations, that are mainly the result of a proxy war in the form of foreign armed presence and involvement of big powers such as the United States of America and the Russian Federation, regional powers, such as Turkey, Saudi Arabia, Qatar, Iran (Islamic Republic of), Israel as well as some European countries, all in collaboration with mercenaries and local militias. This situation has worsened in particular following the military occupation of a sovereign State (the Syrian Arab Republic) under the so-called code “Operation Olive Branch” (January 2018) and “Operation Peace Spring” (October 2019), launched by Turkey with the support of local Turkish-backed militias. Added to this are foreign interventionism in the Syrian Arab Republic since 2011 and the repeated wars conducted in particular by the United States of America in Iraq in the last decades.

To understand the political and economic stakes of the conflict and of the current particular situation in this region, it is necessary to recall that the Northern and Eastern part of the Syrian Arab Republic are sources of highly conflicting geo-strategic and geo-political interests between the main big powers involved in the Syrian conflict, and in particular Turkey, the Russian Federation and the United States of America.

The consequences of military occupation

Since the military invasion of North East the Syrian Arab Republic by Turkish armed forces, followed by the invasion by other foreign armed forces and their armed militias, the civilian population of this region lives under repeated aerial and artillery bombardments. The daily life of the people of the region are characterized by murders, abductions, sexual violence, torture and all other forms of cruel, inhuman, degrading or humiliating treatment. This situation is pushing tens of thousands of civilians to leave their homes and (for many of them) to lose their life on their way to find a safe place. These violations and atrocities, well documented by local human right organizations, can be categorized as war crimes.

Moreover, direct evidence from the ground attest that the occupying forces resort to other illegal measures such as as arbitrary detentions, looting of local shops and houses, confiscations of fields and trees, confiscation of natural resources (in particular oil), illegal harvest of local populations lands, planting of land mines and explosive devises in crowded areas.

What is more, the occupying forces are systemically violating the right to water of the population of the region through the control of water sources and the construction of dams that cause water shortages. The violation of the right to water has serious implications for the fulfilment of the right to health, the right to food and, in last instance, of the right to life of the people. This situation is turning their daily life into a hell-like survival. The use of water as a mean of war is a heinous illegal practice, which contravenes the provisions of international humanitarian law and the two International Covenants on human rights.

Finally, the intervention of foreign military occupation forces in the region is denying the full exercise of the peoples’ right to self-determination, to freely determine their political status and to pursue their economic, social and cultural development. This situation is violating people’s and States’ sovereignty, and is causing destructive consequences for human security, sustainable and just peace in the region.

Third country nationals in detention, including foreign fighter prisoners

On 19 and 20 of January 2022 , the “Islamic State” led an assault at Sina'a prison, in the district of Ghiweiran, in Hasakah, northeastern of the Syrian Arab Republic. It was the result

of a coordinated attack between the foreign fighters prisoners held by the Syrian Democratic Forces (SDF) and the “Islamic State” sleeping cells still free to operate.

Sina'a prison has housed for many years between 3,500 and 5,000 Islamist fighters, including members of the leadership of the “Islamic State”, which remained in the prisons despite the burden of thousands of detainees, many of them foreigners, being no longer bearable for the local authorities.

This coordinated attack reveals once again the ability of the “Islamic State” to infiltrate prisons and detention camps. While the SDF combatants were fighting to secure the civilians and prevent a major -escape from the prisons, Turkish drones bombed the SDF reinforcements heading to Hasakah, killing two persons.

These events are also result of the inability of the international community, and in particular of the countries where the foreign fighters come from, to fulfill their duties and obligations under international humanitarian and human rights law. The war-torn local authorities have repeatedly recalled that they do not have the resources to hold thousands of mercenaries and war criminals, together with their families, as prisoners, and much less to bring them to trial. However, the prisoners’ countries of origin, especially the European ones, do not want to repatriate their nationals. It is urgent to make every effort in favor of the repatriation of all third country nationals held in the Syrian Arab Republic: every country must take back its citizens and, if appropriate, prosecute them within their justice systems.

Recommendations

- 1) In light of the above, CETIM calls on the United Nation Human Rights Council to activate its mechanisms in order to urge the Turkish State, as well as the other foreign States armed forces, to retreat immediately and unconditionally from the region and to stop its logistical, political and financial support to armed militias and mercenary forces.
- 2) CETIM urges all parties involved to protect the fundamental rights of the people of the region. The bombing of civilians in the urban and rural zones must stop, as well as the targeting of civilian economic assets, cultural sites, infrastructures and ecosystems. The economic, social and cultural rights necessary to protect human life and dignity must be respected.
- 3) CETIM calls upon the Independent International Commission of Inquiry on the Syrian Arab Republic to start an investigation into the human rights violations in the occupied regions (Afrin, Derik, Ras Al-Ain, Hasakah, Tel Abyad), to monitor the situation and to push for solutions ensuring that those responsible for the violations are identified and brought to justice, and those affected get access to remedy.
- 4) People that are forcibly displaced or are fleeing the conflict must be protected. In addition, all obstacles must be removed and international guarantee mechanisms must be put in place ensuring their protection and right to return. In this sense, the closure of the Semelka border between the Syrian Arab Republic and Iraq must come to an end.
- 5) The fact that foreign military presence constitutes the context behind the massive human right violations in North and East of the Syrian Arab Republic and that atrocities and war crimes have been committed by the occupying forces and their proxies since 2019, cannot constitute an apology for any State or faction to violate the rights of the civilians in the region.
- 6) CETIM calls upon the home States of the foreign fighters prisoners detained in the region to repatriate their nationals and, if appropriate, to prosecute them in their respective countries. Otherwise, the United Nations should pursue on the ground the war crimes based on existing international justice mechanisms, or bring the cases to an ad-hoc international court, in agreement with local and state authorities concerned. Most of the prisoner’s home States consider that

the crimes committed only concern the territories in which they were committed, that is the Syrian Arab Republic and Iraq. This hypocritical assessment is not acceptable and contravenes the international human rights obligations of the home countries of the prisoners to assume responsibility for all of their nationals. (1)

- 7) The CETIM calls upon UN member states and UN bodies and agencies to provide logistical and technical support to all local efforts aimed at improving the conditions of local populations, as well as the conditions in the prisons and detention centers in the region.
- 8) The United Nations should organize international peacekeeping-forces to supervise the zones, taking due account of the varying standards within international law instruments providing special protection for civilians affected by armed conflict, in particular the Geneva Conventions and their Additional Protocols.

CETIM shares the aspirations of the northern and eastern Syrian communities for a just peace and the realization of their right to development, and calls on all parties involved in the conflict to work in that sense.

(1) See also: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25986&Lan>