

The Democratic Self-Rule Administration's Response to the Report of Human Rights Watch Organization

Human Rights Watch (HRW) issued a report on 19th of June-2014 titled "Under Kurdish Rule". In the following we present our response and evaluation of the report.

According to HRW's own definition, their task is to protect the human rights of all nations of the world, support all victims and activists and not distinguish among them, guarantee political rights, protect people against inhumane treatment during war and to investigate and unveil human rights violations and condemn violating parties. Moreover, its task is to impede criminal behavior, to call upon all governments and authorities to comply with standard international law and to make sure that human rights are respected internationally.

Undoubtedly, HRW's report is one of the most comprehensive and professionally written reports on the current situation in Rojava. Furthermore we are pleased to see that the report points to several positive achievements of our Democratic self-rule administration, including admission of its de facto legality. The report also points out that the content in the Social Contract, in its essentials, coincides with the basic principles of HRW and international standards. The report makes it clear that our administration has succeeded in securing the areas under our jurisdiction and that these areas are relatively stable and peaceful. The rights of minorities and religious groups are respected, along with religious sites and buildings. For instance, the Virgin Mary church in Serê Kaniyê (Ras al Ayn), which was used as a military base by armed groups, was restored to its proper owners once YPG took over. The democratic Self-Rule also guarantees the representation of different components in the Al-Jazeera Canton's administration; 10 % Assyrians, Arabs and Kurds, 5% to technocrats and other minorities, the remaining 65 % will be elected through the election process, according to the electoral law issued by the legislative council in early April 2014.

Despite the comments above, we do find it necessary to clarify certain points, and correct what we regard as wrongs made on part of the HRW. Below we highlight the points.

1) PYD is not the only authority in Rojava:

The claim that the PYD is the single authority in Rojava is very far from the truth. Although the PYD was the initiator of the Democratic Self-Rule project, a project that was chosen in 2007 as the ideal model for the resolution of the Kurdish question in Syria, it did not act unilaterally. The PYD issued a draft of the social contract to be discussed by the different parties of western Kurdistan, including the Kurdish National Council. Moreover the draft was open to both public and professional review. In August 2013, the social contract was approved by the political councils of western Kurdistan, with several amendments and modifications added. Therefore it is inaccurate to say that the PYD is the sole authority in western Kurdistan. The Administration was formed by 11 political parties and 47 civil society organizations along with Assyrian and Arab organizations. In late January 2014 all mentioned actors announced the Democratic Self-Rule administration and approved of the social contract. We believe this to be the key to end violence in Syria and to lay the groundwork for a political solution to the crisis.

2) The Self-rule administration is a new democratic project and needs support:

Despite its young age, our administration is showing clear signs of maturity and to a substantial degree live up to international standards. For example, we have not declared a state of emergency, despite the terrible war that is destroying Syria and very difficult challenges. We have established good relations with international organizations and institutions, and we have set up a legal and administrative system in order to organize life in our regions. We face many difficulties including a harsh embargo which has crippled the work of aid groups in our areas. It is noteworthy that out of the total international aid delivered to Syria this year, less than 0,5 percent reached the Kurdish areas. Still, we are dedicated in our efforts to meet the needs of our people and securing our emerging democratic society.

3) Between realism and idealism:

We feel that HRW, in its report, does not always keep to its standard of professionalism. In particular it fails to make a distinction between “what should be achieved” under the areas under our jurisdiction, and “what can be achieved” given current objective circumstances. We share the ideals of the HRW, as made clear by our legal document and social contract, and we strive to realize all our aims. However it is necessary to bear in mind the extraordinary circumstances under which we live; the constant threat of war, the devastating blockade, the flux of refugees, the shortages of basic services related to communication, electricity, water, and many other challenges, which the report incidentally confirms. There is a large international media campaign against our Administration and generally against the achievements of our people, which aims at discrediting our efforts. This has undoubtedly and unfortunately had its effects.

4) Protection and support of the Democratic Self-rule Administration is one of HRW task

Our project is a unique experience in the region in terms of our ethnic and religious/ideological co-existence, especially when it comes to the full participation of women in all aspects of the society, including military and politics. In this regard we expect the full support of HRW in putting pressure on UN and the international community to pay attention to our situation, to acknowledge our achievements and our public institutions. We also expect more support in our on-going battle against terrorist groups in the region, which has had positive ramifications for the entire region. Finally we urge HRW to acknowledge the difficult circumstances under which we operate, the inflow of 500 000 refugees into our areas, the blockade and our shortages, in its reports to the United Nations.

5) – Based on the given short time that has passed since the Democratic Self-Rule administration was announced (a few months ago), is it reasonable to view the HRW report as a genuinely fair assessment? It is also important to bear in mind that there are many national states in the world who enjoy peace, stability and resources for decades, but are still far from living up the standards put forth by HRW. Despite the gravity of our situation and the chaos in Syria and the entire region, we believe that we have shown great efficiency and capability to achieve important societal requirements in order to make decent existence possible in western Kurdistan. Again, our efforts should be recognized.

6) - Who are the dissidents? Who are the opponents? Who has been inconsistent? The HRW did not distinguish between the detainees charged with felony and what they claim to be “political prisoners”, despite the fact that the reports submitted by Al-Asaish (the police) demonstrated that there were no such thing as “political prisoners”.

In circumstances of war human rights violations, drug trafficking, arms trade and exploitation of people are unfortunately not uncommon. The report, we are pleased to see, confirms that our security forces firmly have stood against these kinds of crimes and have brought those responsible to justice. Unfortunately we have seen some political parties using these kinds of criminal offenses as a disguise for political opposition or “political prisoners”. It is a fact that all members of the Kurdish National Council have the right to exercise their political will, within the limits and laws set forth by the Administration and the social contract. It is our hope that HRW will be able to see these quite obvious facts and arrive at a more realistic conclusion. We also hope that the HRW will take into consideration the reports submitted to it by the Al-Asayish and that these reports enter into their evaluation and list of recommendations. The recommendations will, in our view, be flawed if these reports are excluded.

Arbitrary arrests:

An independent and non-partisan commission must be formed to review and investigate the detention of individuals on political grounds. All detainees who are found to be arbitrarily arrested or who have been arrested because of non-violent political protest must be released. We have noted in this section that you have stated that detainees *may* be political, which implies that your organization was unable to gather sufficient evidence to conclude the actual basis of these arrests. The detainee’s criminal backgrounds have nothing to do with political controversy, indeed political affiliation does not grant immunity to any individual. There are many people in the Rojava Cantons that practice exclusion, marginalization and that reject the very idea of a self-democratic arrangement. These people are not arrested and certainly not because of their political views. Some have been interrogated because of suspicious activities but those people have continued with the same activities upon their release. These are people who are intent on sabotaging our civil institutions, our parties and for the different components of our society which make out our administration.

Integrity of the legal procedures

- No person may be captured or arrested, unless it is authorized by a public prosecutor.
- All detainees must be notified in good time of the reasons for their detention.
- Detainees should be granted the right to communicate with counsel.
- All detainees are ensured to be taken in front of a judge to discuss their case and to receive a formal indictment or to be released.
- Defendants are guaranteed a fair trial before an independent court
- Human rights organizations must be allowed to monitor local and international trials.

* With regard to this paragraph, consisting of six items, which can be reduced to the last item; By allowing all human rights organizations, international and local to visit the self- democracy management areas and learn about the reality without relying on the reports of individuals which may be the most malicious and non-professional as of date, we clearly demonstrate our ambition for transparency and openness.

The role of human rights organizations visiting Rojava is undoubtedly of great importance, by exercising a monitoring - without compromising the sanctity of privacy - what can be achieved is not only a deepened understanding and exchange of universal human rights but it also places the self-management areas of Syria within a global and international community.

Our laws, whether derived from the Syrian constitution or by civil law are stipulated in the Social Contract and are not inconsistent with the terms of the contract itself, neither is it inconsistent with foundations of the social contract and the laws which it issues.

Abuse during detention:

- Investigations must be initiated upon allegations of abuse during detention and punishment will be ordered in accordance with the law to those responsible
- A clear mechanism for depositing the detainees' complaints of abuse or violations during arrest, interrogation or detention
- Judges must take seriously the complaints of ill-treatment while in detention, and must refer cases to the prosecutor's office to investigate.
- Human rights organizations must be allowed to visit local and international headquarters for detention, including prisons and police stations and AL-Asayish departments.

* This recommendation is also considered as a translation of the positive security law in Rojava and is accurately provided in the regulations and the rules of procedure for the AL-Asayish. All who have the responsibility to enforce the law and to implement it take these recommendations seriously.

From time to time persons are punished by the law when convicted of abuses, but it's regrettably logistically impossible to apply the law perfectly all the time. Even though there are laws which regulate such things and there are indeed no way justify them when they do occur one must consider the existence of mistakes despite laws as related to a social and psychological condition that has taken root by forces of tyranny which have reigned over people for hundreds of years. It is our goal however to completely prevent the recurrence of mistakes and violations.

Legal reforms:

- All new laws and amendments must be published and distributed so that they may be well known by the public.
- Amended Syrian Law must be clearly stipulated so as to comply with international standards of human rights.
- Because of the situation on the ground in the self-managed cantons of Rojava, with a relentless siege and a barbaric war still ongoing some of the obstacles that are faced has given rise to problems which cause poor communication between the legislative and the people, there is also a problem with public access to amendments that arise. On top of this we have constant power-outages which affect the work of media outlets, there is continuous displacement of peoples and migration and during such circumstances we face difficulties with achieving the kind of advanced communication with the public that we wish.
- Penal Code applicable in the democratic self-rule administration is the amended Syrian law.
- Some of its clauses is consistent with the social contract and the rights of women. And the abolition of the death penalty. The part dealing with prison conditions was deleted.

Prisons Situation:

- Some of the accused or convicted of misdemeanors should be placed away institutions were people are convicted of serious crimes, especially violent crimes.
- Mechanism control must be enacted on the headquarters of all prisons and Asayish detention stations by independent observers.

- Disappearances and murders registered as unknown:
- Conduct prompt and independent investigations into all the facts of the disappearance and murder without regard to the political affiliation of the victims, such investigations must be done quickly.
- Must provide public explanations of what has been done to investigate the disappearances and known murders.

These items have been answered in crossing by officials involved in the Asayish force. We believe that the items that we talked about earlier is a tasks for Asayish department but civil society and its institutions as well as the management of these institutions in the community must have right to transparence. Again there are problems that occurs this transparency to be perfect since the region is surviving under abnormal conditions, war, siege and migration. Nevertheless, it is a problem that must be solved and which we take seriously and dealt with according to the relevant laws.

Recruitment of Children:

- The recruitment of children under 18 and their participation in military operations in the Asayish and in the Peoples protection units (YPG) must stop, this includes being active in checkpoints and bases.
- All military training of children must stop.
- The People protection units (YPG) and the Asayish must provide public updates on the number of children who have been demobilized of forces and about their whereabouts.
- Officers who allow children to serve under their leadership must be disciplined.
- The recruitment of children in youth centers or cultural centers must be prohibited.
- There must be cooperation with international bodies for Rehabilitation of children and necessary support to socially integrate them back into society must be provided.

Although, the leadership of the peoples protection units which are charged with the task of protection and defense in the self-managed areas, confirmed the existence of some of these cases, and made clear on the 5th of June that they would cooperate in the mutual task of making sure to demobilize all children under 18 from fighting units within one month forces within one month according to the agreement signed with the organization Geneva Call.

We would like for the sake of explanation only, not to justify any wrongdoings to again point to severe circumstances which we are ongoing to underline that some problems are hard to deal with but we are fully committed to resolving them in order to create a stable society.

Amuda demonstration:

A credible and independent investigation of the use of excessive force in the Amuda demonstration on June 27, 2013 must be undertaken to clarify the beating of detainees by the peoples protection units on that same evening and accountability must be demanded by any individual or of the peoples protecting units as a whole who used excessive force or abused detainees.

Amuda events: Although action research carried out by HRW organization, which could be considered in a level of investigation and somehow a kind of cooperation between self-rule Administration and the international organization, and despite the settlement of the situation then by committees of social events and understanding of the people to the truth of what was being plotted for seditious may evolve into mutual war, and was meticulously planned by some of the regional countries and some of the characters that belong to the external opposition, which has not that happy for the truth of the revolution community and the fact of the third

line approach and defense project, which was confirmed by reality and praised by some U.S. officials who are in charge of the Syrian file, and what caused passion and vision of developments made possible by the blood of the martyrs of freedom, security and peace.

We could name Amuda events by: “The wrong act and the wrong emotional reaction” and assume who passed away patriots who became a victim of a not achieved seduction. If we looked at the details of the events, we could read a very well prepared seduction.

Taking into account that YPG is not accountable of protecting or interfering in the demonstrations but it is the task of Asayish same as any other country. Worthwhile, YPG patrol passage was by coincident and they were coming from a mission in Tel-tamer town. The spark was when somebody opened the fire on YPG patrol and one of YPG member got martyred immediately, we could say here that it was discovered recently that the demonstration was deliberately directed to that road which YPG fighters were expected to pass through it specially that place was not that regular place for the habitual demonstration in the city! And the timing of the demonstration was not the habitual time as well; moreover, there was somebody among the demonstrators who had a weapon!

International cooperation:

Full cooperation must be given to the United Nations Commission on Independent Fact-Finding Mission in Syria and to the International Committee of the Red Cross.

Full cooperation is required which is the modus operandi of the self- managed regions of Rojava through all its diplomatic activities in European countries and all over the world.

We are a self-managed democracy and a part of Syria, we are also a part of the international community.

We believe that the self-rule model of democracy, despite all its past mistakes serve as a unique democratic model in Syria and the region which allows coexistence between people of different ethnic backgrounds and beliefs, the report itself praised the social contract and its terms being aligned with universal human rights,

We are determined to achieve a legalization of the self- rule democracy model especially now when we see that our protections units has served a global role in confronting global terrorism practiced by extremist terrorist groups.

Conclusion:

The report issued by Human Rights can be described as the most positive report compared to the reports issued by many other organizations, and can be seen as a positive step toward correcting the errors and deficiencies in the region, all the observations cited in the report are bound to have the full attention of concerned administration bodies and institutions, they will be regarded as the kind of responsibility of action advancement between civil organizations and the legal institutions of self-managed regions. We hold nothing in higher esteem than the values of democracy and human rights and we will always try to abide by standard rules laid down in this regard. We are determined to overcome the obstacles and barriers that some may put in our way in order to be successful in our democracy in the Middle East. It should be noted that the visit by Human Rights Watch was confined to the AL-Jizeera Canton, that's why this report was based on incomplete statements of some witnesses, especially the human rights situation in Kobani and Afrin Cantons .Here we call on the organization to visit the two cantons mentioned for further investigations so that we together may be able to improve the situation.

Foreign Relations body of Democratic Self-rule Administration - Rojava