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WATCH

# UNDER KURDISH RULE

Abuses in PYD-Run Enclaves of Syria



# **Under Kurdish Rule**

## **Abuses in PYD-run Enclaves of Syria**

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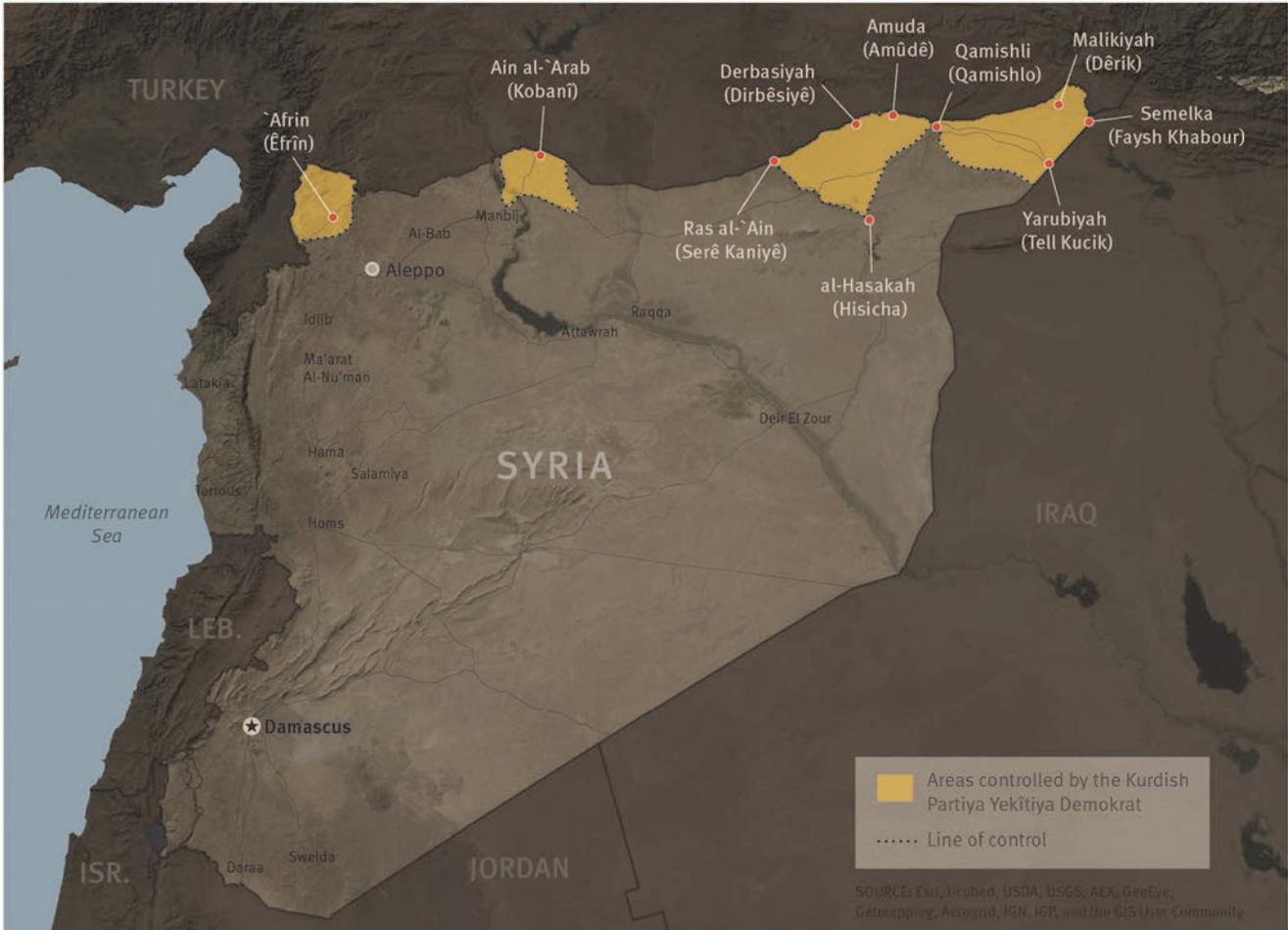
# Under Kurdish Rule

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# Map of Syria



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## Summary

Over the past two years, the Partiya Yekîtiya Demokrat (Democratic Union Party, PYD) – a Syrian Kurdish political party that stems from the Partiya Karkerên Kurdistan (Kurdistan Workers' Party, PKK) in Turkey – has exercised de facto authority over three predominantly Kurdish areas in Syria's north and northeast: `Afrin (Êfrîn in Kurdish), Ain al-`Arab (Kobani) and Jazira (Cezire). In January 2014, the PYD and allied parties established an interim administration in these areas. They have formed councils akin to ministries, courts and a police force, and introduced a new constitutional law.

The PYD's armed wing, the People's Protection Units (Yekîneyên Parastina Gel, YPG), maintains external security in these three areas, and is involved in an armed conflict with Islamist non-state armed groups, primarily Jabhat al-Nusra and the Islamic State of Iraq and the Sham (ISIS).

This report documents a range of human rights abuses in these PYD-controlled areas with emphasis on Jazira, which Human Rights Watch visited in February 2014. The report focuses on arbitrary arrests, abuse in detention, due process violations, unsolved disappearances and killings, and the use of children in PYD security forces. It does not examine alleged restrictions by PYD-led authorities on free speech and association, or alleged violations against the local, non-Kurdish communities. The background chapter summarizes abuses in the areas by Islamist non-state armed groups.

Since 2011, Human Rights Watch has documented serious abuses perpetrated by the Syrian government and non-state actors in Syria, some of which amount to war crimes and crimes against humanity. While the human rights abuses committed by the PYD and its security forces are far less egregious and widespread, they are nonetheless serious. As the de facto authority, the PYD is obliged under international human rights law to grant the people in the areas it controls – Kurds, Arabs, Syriacs, and others – their fundamental rights.

Of particular concern are the harassment and arbitrary arrests of the PYD's Kurdish political rivals. This report documents several cases, in which PYD security forces appear to have arbitrarily detained individuals affiliated to Kurdish opposition political parties, such as the Kurdish Democratic Party of Syria (KDPS), the Yekiti Party and the Azadi Party,

due to their peaceful political activity against the PYD. Human Rights Watch heard credible allegations of dozens of similar arbitrary arrests. The PYD denies holding any political prisoners and said the men whose cases we documented were arrested for criminal acts, such as drug trafficking and bomb attacks.

In April 2014, a PYD-run court in Afrin convicted 13 people, including five KDPS members, for various bomb attacks in a trial that seemingly failed to meet international standards. The judges apparently convicted the defendants only on the basis of their confessions, and disregarded complaints that investigators had extracted confessions with torture.

The struggle for power among the Kurds aside, the PYD-run justice system is marred by problems that undermine due process and fair trial rights. In addition to the politically colored cases above, Human Rights Watch documented violations against individuals who were detained for common crimes. The police, known as Asayish, regularly failed to present a warrant when making an arrest, according to those arrested or their relatives. Detained individuals either did not know they had the right to a lawyer or they lacked the money to pay for one. This contradicted local officials, who said detainees were promptly granted access to a lawyer. Current and former detainees also complained about the length of time in detention before seeing an investigative judge, in two cases more than a month.

An effort by the PYD-led authorities to reform Syrian laws is complicating the justice system. Although some Syrian laws discriminate against Kurds or violate other human rights standards, the changes are happening in a haphazard and non-transparent manner, leaving lawyers and detainees confused. The authorities should only amend Syrian laws to bring them into compliance with international human rights standards. Changes to existing laws, rules and regulations should be promptly published and distributed.

The constitutional law introduced in January 2014, called the Social Contract (see Appendix I), upholds some important human rights standards but neglects to stipulate a number of core principles, such as the prohibition on arbitrary detention, the right to prompt judicial review, and the right to a lawyer in criminal proceedings. In a positive development, the contract bans the use of the death penalty.

Article 25 of the Social Contract prohibits the physical or mental abuse of detained persons. Nevertheless, some detainees told Human Rights Watch that Asayish or YPG

members had beaten them in custody and were never held to account. Human Rights Watch was unable to determine the full extent of detainee abuse in PYD-controlled areas, but evidence gathered shows that such abuse does take place, in two recent cases leading to death.

In May 2014, a 36-year-old man died in Asayish detention in `Afrin. The Asayish said the man killed himself by striking his head against a wall, but a person who saw the body said the wounds – including deep bruises around the eyes and a laceration on the back of the neck – were inconsistent with self-inflicted blows to the head. In February 2014, the Asayish in Ras al-`Ain (Serê Kaniyê) admitted that a member of its force had killed a 24-year-old detainee. The Asayish and the victim’s family told Human Rights Watch that the responsible officer was tried and sentenced to “life imprisonment with hard labor” for murder.

In Jazira, Human Rights Watch visited the two known prisons in operation – in Qamishli (Qamishlo) and Malikiyah (Dêrik). The Qamishli facility was holding 17 people for different common crimes, all of them men. Malikiyah prison had 15 people for a similar range of crimes, two of them women.

Detainees in both facilities reported adequate conditions: prisoners got food three times a day, exercise at least once per day, and were able to see a doctor. The two women in Malikiyah prison were held in a separate cell, but the men in Qamishli and Malikiyah prisons were held together, regardless if they were accused of a minor or serious crime.

According to Asayish figures provided to Human Rights Watch, as of May 4, 2014, the Asayish was holding 130 people in its `Afrin prison and 83 people in its Ain al-`Arab prison. Opposition activists and some lawyers in `Afrin, Ain al-`Arab and Jazira said the authorities also ran secret detention facilities but Human Rights Watch was unable to confirm that claim. The Asayish denied holding detainees in any other places.

The past two and half years have also seen at least nine unsolved killings and disappearances of the PYD’s political opponents in areas controlled or partially controlled by the PYD. The PYD has denied responsibility for them all, but the lack of credible investigations stands in contrast to the policing response after other security incidents, such as the rapid mass arrests after most bomb attacks.

Human Rights Watch also found that, despite promises in 2013 from the Asayish and YPG to stop their use of children under age 18 for military purposes, the problem persists in both forces. In February 2014, Human Rights Watch saw two armed Asayish members in Jazira who said they were under 18, and two others who looked under 18 but were told by their commanders not to give their ages. Human Rights Watch also interviewed a 16-year-old boy who said he had joined the YPG the previous year. Two other people said that children in their families had recently joined the YPG.

The internal regulations of both the Asayish and YPG forbid the use of children under age 18 (see Appendices II and III). International law sets 18 as the minimum age for participation in direct hostilities, which includes using children as scouts, couriers and at checkpoints.

In a positive development, on June 5 the YPG admitted that the problem continued and pledged to demobilize all fighters under age 18 within one month.

Human Rights Watch also investigated the violent incidents in Amuda (Amûdê) on June 27, 2013, when YPG forces used excessive force against anti-PYD demonstrators, shooting and killing three men. PYD security forces killed two more men that night in unclear circumstances, and a third the next day. On the night of June 27, YPG forces arbitrarily detained around 50 members or supporters of the Yekiti Party in Amuda, and beat them at a YPG base. The YPG and local authorities should conduct a truly independent investigation into the incident and hold accountable those who arbitrarily held, beat, or used excessive force against detainees and protestors.

Senior PYD officials have repeatedly stressed the party's and local administration's commitment to human rights. The constitutional Social Contract says that international human rights covenants and conventions form "an essential part" of the contract. The PYD also granted Human Rights Watch access to the Jazira area, including visits to two prisons, and responded in person and writing to questions.

Despite these commitments, human rights violations in PYD-controlled areas persist. As the legal chapter of this report makes clear, the PYD as de facto authority in `Afrin, Ain al-`Arab and Jazira is obliged to respect human rights.

To address the shortcomings, Human Rights Watch recommends the authorities take a number of steps. These include forming an independent commission to review the cases of those allegedly detained on political grounds, and releasing those deemed to have been detained arbitrarily. A clear mechanism should be established for detainees to report abuse during arrest, interrogation or detention, followed by legal action against those responsible in regularly constituted courts. These courts should apply Syrian law, amended where needed to comply with international human rights standards. All changes to Syrian laws should be promptly published and distributed. And the Asayish and YPG should cease their use of children under age 18 for military functions, including at checkpoints and bases.

# Recommendations

## To the PYD-led Interim Transitional Administration

### *Arbitrary Arrests*

- Form a non-partisan, independent commission to review the detention of individuals on potentially political grounds. Release detainees deemed to have been arrested arbitrarily, including those who are being held solely for their non-violent political activity.

### *Due Process*

- Make arrests only with a warrant from the public prosecutor;
- Promptly inform all detainees of the reason for their arrest;
- Grant detainees prompt access to a lawyer;
- Ensure that all detainees are promptly brought before a judge in a regularly constituted court and charged or released;
- Grant accused persons a fair trial before an independent, regularly constituted court;
- Allow local and international human rights organizations to monitor trials.

### *Abuse in Detention*

- Investigate credible allegations of abuse in detention and punish those responsible;
- Establish a clear mechanism for detainees to file complaints of maltreatment and abuse during arrest, interrogation or detention;
- Ensure that judges seriously consider complaints from defendants about ill-treatment in custody and refer cases to the prosecutor's office for prompt, thorough, and independent inquiry;
- Allow local and international human rights organizations to inspect detention facilities, including prisons and Asayish stations.

### *Legal Reform*

- Ensure that changes to existing laws, rules, and regulations comply with international human rights standards, and are promptly published and distributed;

- Publish a statement to clarify that the applicable law is Syrian law, amended to comply with international human rights standards.

### *Prison Conditions*

- Keep those charged or convicted for minor crimes separate from those charged or convicted for serious, and especially violent, crimes;
- Establish a mechanism for regular monitoring of detention facilities – prisons and Asayish stations – by independent monitors.

### *Unsolved Disappearances and Killings*

- Promptly and independently investigate all disappearances and killings without regard for the victim's political affiliation;
- Publicly explain what has been done to investigate the unsolved disappearances and killings of political activists and party members.

### *Child Soldiers*

- Cease the use of children under age 18 for military functions in the Asayish and YPG. This includes at checkpoints and bases;
- Cease all military training for children;
- Provide public updates on how many children have been decommissioned from the Asayish and YPG, and what is happening with those children;
- Discipline Asayish and YPG officers who allow children to serve under them;
- Prohibit recruitment of child soldiers at youth or cultural centers, and discipline recruiters;
- Cooperate with international agencies to rehabilitate former child members of the Asayish and YPG, and provide support for their social reintegration.

### *Amuda Protest*

- Conduct a credible, independent investigation into the excessive use of force at the Amuda protest on June 27, 2013 and the subsequent beating of detainees by the YPG.
- Hold accountable members of the YPG who used excessive force or abused detainees.

### *International Cooperation*

- Fully cooperate with the UN Independent International Commission of Inquiry on Syria and the International Committee of the Red Cross.

## Methodology

Human Rights Watch based its report findings primarily on two research missions: one to the Kurdish Regional Government (KRG) controlled area of northern Iraq and one to the Jazira area, in Syria's Hasakah governorate.

The mission to northern Iraq took place in late November 2013. Human Rights Watch interviewed more than two dozen Syrian Kurds who had fled to northern Iraq, including former detainees, the relatives of people detained at the time in `Afrin, and the leaders of two opposition parties. The mission to the Jazira area of Syria took place in mid-February 2014 and involved visits to Malikiyah, Rmeilan (Rmêlan), Qamishli, Amuda and Derbasiyah (Dirbêsiyê). Human Rights Watch spoke with a wide range of officials from the PYD-led authorities, the YPG spokesman, opposition political party leaders, lawyers, human rights activists, and journalists, as well as 14 detainees at the prisons in Malikiyah and Qamishli. Follow-up research was conducted by telephone, e-mail and Skype with people in `Afrin and Jazira.

For security reasons, armed members of the local police, the Asayish, escorted Human Rights Watch in Qamishli and occasionally between towns in Jazira. The Asayish and local authorities otherwise allowed Human Rights Watch to move freely and to speak without interference with the people of our choosing.

Interviews in Syria and northern Iraq were conducted in Kurdish or Arabic. An interpreter was used for the interviews in Kurdish and for some of the interviews in Arabic. Interviewees gave their consent to use the information they provided in this report, though some requested that Human Rights Watch not reveal their names or other identifying details for security reasons. In Qamishli and Malikiyah prisons, Human Rights Watch selected the detainees to interview, and spoke with them in a private setting. Human Rights Watch offered no compensation to interviewees. In Amuda, Human Rights Watch inspected the scene of the June 27, 2013, demonstration and reviewed videos of the demonstration provided by protesters, the Asayish and YPG.

Human Rights Watch also met with senior PYD officials in northern Iraq, Lebanon, and Belgium, and submitted questions in writing to the Asayish and YPG. Both groups responded in writing (see Appendices IV and V).

# I. Background

## Kurds in Syria

Kurds are the largest non-Arab ethnic minority in Syria, comprising roughly 10 percent of Syria's population – in total just under two million people. Most Syrian Kurds are Sunni and speak the Kurmanji dialect of Kurdish.

Syrian Kurds live mostly along the borders with Iraq and Turkey in three areas: the highlands in the northwest around `Afrin, the Ain al-`Arab region in the north, and Jazira in the northeast. Sizeable Kurdish populations also live in Aleppo and Damascus. The three Kurdish-majority areas in Syria's north and northeast are not contiguous and are also populated by other ethnic communities, including Arabs, Syrians, Armenians, and Turkmen.

Since the 1950s, successive governments in Syria, including those of Bashar al-Assad and his father, Hafez, have persecuted and discriminated against Kurds.<sup>1</sup> Syrian authorities restricted use of the Kurdish language, banned Kurdish-language publications, and prohibited celebrations of Kurdish festivities. In 1962, the government arbitrarily revoked the citizenship of roughly 120,000 Kurds.<sup>2</sup> Policies under the Syrian Ba`ath party in the early 1970s encouraged Arabs to resettle in the areas where Kurds lived.

In contrast to its repression of Kurds in Syria, the Syrian government in the 1970s and 1980s supported Kurdish groups in Iraq and Turkey. In the 1970s, Syria provided a haven for Iraqi Kurds, particularly members of the Patriotic Union of Kurdistan. During the 1980s and early 1990s, the Syrian government backed the Kurdistan Workers Party (PKK) against Turkey by providing arms and training to its fighters based in Syrian-controlled Lebanon. Under heavy Turkish pressure, in 1998 Syria ended its support for

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<sup>1</sup> Human Rights Watch, "Group Denial: Repression of Kurdish Political and Cultural Rights in Syria," November 26, 2009, <http://www.hrw.org/reports/2009/11/26/group-denial>.

<sup>2</sup> For information on stateless Kurds in Syria see Human Rights Watch, *Syria – The Silenced Kurds*, vol. 8, no. 4(E), October 1996, [www.hrw.org/reports/1996/Syria.htm](http://www.hrw.org/reports/1996/Syria.htm), and International Crisis Group, *Syria's Kurds: A Struggle Within a Struggle*, January 22, 2013, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/egypt-syria-lebanon/syria/136-syrias-kurds-a-struggle-within-a-struggle.aspx>, accessed March 10, 2014.

the PKK, expelled PKK leader Abdullah Öcalan from his home in Damascus and closed PKK camps in Syrian-controlled Lebanon.<sup>3</sup>

In March 2004, Syria's Kurds held large-scale demonstrations, some violent, in towns and villages across northern Syria to protest their treatment by the Syrian authorities—the first time they held large-scale demonstrations in the country. The protests began after security forces opened fire on Kurdish soccer fans who were fighting with Arab supporters of a rival team, but they were driven by long-simmering Kurdish grievances about discrimination and repression of their political and cultural rights.

The 2004 protests and developments in Iraqi Kurdistan apparently encouraged Syrian Kurds to push for greater enjoyment of their rights and increased autonomy in Syria. Nervous about Kurdish autonomy in Iraq, the Syrian government intensified its crackdown on Kurdish political and cultural activity.

Between 2004 and the start of the 2011 uprising in Syria, Syria's authorities continued repressing Kurdish political and cultural rights, including arbitrary arrests of activists, travel bans, abuse of detainees, unfair trials, restrictions on property ownership, and banning demonstrations for Kurdish rights, cultural celebrations, and commemorative events.<sup>4</sup>

The Kurdish political parties in Syria have long been fractured and at odds, and some of the human rights violations in this report stem from these long-standing disputes. The main division lies between the PYD and a group of other Kurdish parties, led by the *Partiya Demokrat a Kurdî li Sûriyê* (Kurdish Democratic Party of Syria, KDPS), which is a sister party of the Kurdish Democratic Party of Massoud Barzani, President of the Kurdistan Regional Government in Iraq. In recent years, Barzani and the KDP have strengthened their relations

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<sup>3</sup> For more information on Syria's support for Kurdish groups in Iraq and Turkey, see James Brandon, The Jamestown Foundation, "The PKK and Syria's Kurds," *Terrorism Monitor*, vol. 5, issue 3, February 15, 2007, <http://www.jamestown.org/terrorism/news/article.php?articleid=2370250> (accessed September 5, 2009); and Gambill, "The Kurdish Reawakening in Syria." The Kurdistan Workers' Party (*Partiya Karkerên Kurdistan*, PKK) is an armed organization, founded in Turkey in the late 1970s by Abdullah Öcalan. The PKK's ideology was founded on revolutionary Marxism-Leninism and Kurdish nationalism, with the goal of creating an independent, socialist Kurdish state in Kurdistan, a geographical region that comprises parts of southeastern Turkey, northeastern Iraq, northeastern Syria, and northwestern Iran, where the Kurdish population is the majority. This goal has now been moderated to claiming cultural and political rights for the Kurdish population in Turkey. The PKK is listed as a terrorist organization internationally by a number of states and organizations, including the United States, NATO, and the European Union.

<sup>4</sup> Human Rights Watch, "Group Denial: Repression of Kurdish Political and Cultural Rights in Syria."

with the government of Turkey in an attempt to increase their independence from Baghdad.<sup>5</sup> While Turkey views the PYD with suspicion as an extension of the PKK, it is currently engaged in talks with imprisoned PKK leader Öcalan. A peace process is under way, including a ceasefire between the Turkish military and the PKK, to end Turkey's conflict with the PKK and to extend Kurds in Turkey greater rights.

## Kurds and the Syria Conflict

When the uprising against the Syrian government began in 2011, many young Kurds joined the anti-government movement. Most of Syria's Kurdish political parties, however, took a cautious approach, worried about a government crackdown and distrustful of Syria's Arab opposition.<sup>6</sup> The Syrian government did crack down on protests by Kurds but also enacted some long-held promises of extending citizenship to registered stateless Kurds – by one estimate 50,000 people.<sup>7</sup> Over several months in 2012, the Syrian government and its security forces withdrew from Afrin, Ain al-`Arab and Jazira, with the exception of strategic areas in and around Qamishli, apparently not wanting to open hostilities with the Kurds.<sup>8</sup> The strongest and most organized Kurdish political party in the area, the PYD, with a cadre of trained fighters, filled the void with little to no state resistance, reinforced by members from its base in northern Iraq.

Over the past two years, the PYD has consolidated control in the three northern areas. Its armed wing, the YPG, has fought with Islamist non-state armed groups in the area, primarily Jabhat al-Nusra and the Islamic State of Iraq and the Sham (ISIS), and has managed mostly to secure the Afrin, Ain al-`Arab and Jazira areas.

Tens of thousands of Syrian Kurds have also fled their homes for safety in Turkey or northern Iraq. Some left due to poor economic conditions in Syria, and others due to political pressure from the PYD.<sup>9</sup> As of May 2014, the United Nations High Commissioner

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<sup>5</sup> "The Syria Factor in Iraqi Kurdish Politics," by Vladimir Van Wilgenburg, Carnegie Endowment for International Peace, April 21, 2014, <http://carnegieendowment.org/syriaincrisis/?fa=55390>, accessed April 22, 2014.

<sup>6</sup> International Crisis Group, Syria's Kurds: A Struggle Within a Struggle.

<sup>7</sup> "Stateless Kurds in Syria after 2011," by Mutlu Civiroglu, April 28, 2014, <http://civiroglu.net/2014/04/28/stateless-kurds-in-syria-after-2011/>, accessed May 21, 2014.

<sup>8</sup> "Flight of Icarus? The PYD's Precarious Rise in Syria," International Crisis Group, May 8, 2014, [http://www.crisisgroup.org/en/regions/middle-east-north-africa/egypt-syria-lebanon/syria/151-flight-of-icarus-the-pyd-s-precarious-rise-in-syria.aspx?utm\\_source=syria-iraq-report&utm\\_medium=1&utm\\_campaign=mremail](http://www.crisisgroup.org/en/regions/middle-east-north-africa/egypt-syria-lebanon/syria/151-flight-of-icarus-the-pyd-s-precarious-rise-in-syria.aspx?utm_source=syria-iraq-report&utm_medium=1&utm_campaign=mremail), accessed May 20, 2014.

<sup>9</sup> Human Rights Watch interviews with over two dozen Syrian Kurdish refugees, Iraq, November 2013.

for Refugees had registered nearly 180,000 Kurdish refugees from Syria's Aleppo and Hasakah governorates in the territory of the Kurdish Regional Government in Iraq.<sup>10</sup> The PYD and Syrian government seem to have reached an accommodation, whereby each side tolerates the activities of the other. The Syrian government ceded control to the PYD of most security and administrative bodies in the region but still pays state salaries.<sup>11</sup> In the main city of Hasakah governorate, Qamishli, Syrian government forces remain at the border crossing with Turkey, at the airport and in the center of town, where security agencies are located. PYD forces control the rest of the city. In February 2014, Human Rights Watch observed Asayish forces and Syrian government soldiers in Qamishli regularly passing each other without incident.

The Syrian government's tolerance of the PYD has opened the Kurdish party to allegations from the KDPS and other political opponents, as well as independent critics, of PYD collaboration with President Assad. The PYD responds that it has chosen a "third way" that is independent of both the Syrian government and opposition forces. It says its goal is to protect the interests of Kurds and other local communities within Syria.<sup>12</sup>

Efforts to forge a common Kurdish political front in Syria have largely failed. In response to the PYD's consolidation of power, in 2011 a group of Kurdish parties formed the Kurdish National Council in Syria (KNC), which is led by the KDPS and was formed under sponsorship of KRG President Barzani.<sup>13</sup> In June 2012, the PYD-led political body in Syria, the People's Council of Western Kurdistan, signed an agreement with the KNC to share power through a Supreme Kurdish Committee, including a joint security committee. The power-sharing agreement never functioned, with both sides blaming the other for disrespecting the deal. The KNC and KDPS have accused the PYD of arbitrarily arresting its members and hindering its work.<sup>14</sup>

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<sup>10</sup> UNHCR, "Situation in Iraq," Inter-agency Update No. 65, May 16-31, 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/SyriaBi-WeeklyUpdate16-31May2014Final.pdf>, accessed June 9, 2014.

<sup>11</sup> Ibid.

<sup>12</sup> Human Rights Watch interview with Salih Muslim, Brussels, December 9, 2013.

<sup>13</sup> "The Kurdish National Council in Syria," Carnegie Endowment for International Peace, <http://carnegieendowment.org/syriaincrisis/?fa=48502&reloadFlag=1>, accessed April 22, 2014.

<sup>14</sup> "Kurdish National Council issued a statement on arrests," MOJEZ, May 13 2014, <http://goo.gl/HPJvqD>, accessed May 19, 2014.

## Declared Autonomy of the Mostly Kurdish Regions

In November 2013, the PYD and an array of smaller, allied parties and groups established a transitional autonomous government in the three areas that comprise what they call Rojava, or Western Kurdistan.<sup>15</sup> The stated goal was autonomous administration within a federated Syria.

Two months later, in January 2014, PYD-led bodies formally established an Interim Transitional Administration with local administrations in `Afrin, Ain al-`Arab and Jazira. Authorities in each “canton” established councils akin to ministries and a police force. That month the PYD also introduced the Social Contract as a provisional constitution, with chapters on executive, legislative and judicial functions, as well as “Rights and Freedoms” (see Appendix I).

Since then, twenty-two councils have been established in each of the cantons to deal with internal security, justice, foreign relations, health, humanitarian affairs and other administrative affairs. Future elections in each of the three “cantons” will choose local legislative councils. External security is maintained by the YPG, which continues to fight Islamist non-state armed groups. The police force, called the Asayish, has responsibility for internal security and law enforcement.

The Asayish maintains armed checkpoints across the three territories. According to Asayish general commander Ciwan Ibrahim, the force has 8 stations in `Afrin, 6 in Ain al-`Arab and 13 in Jazira.<sup>16</sup> It can detain suspects at these stations for up to 24 hours and runs prisons for longer-term detainees (see Chapter V, Prison Conditions).

The authorities have also established a system of “People’s Courts” in the three areas with two levels: basic and appeals. Officials said the courts enjoy full independence but lawyers not affiliated with the PYD disputed that claim. They said the system was staffed by PYD-appointed personnel and primarily served the PYD. “They just sit and discuss the

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<sup>15</sup> Democratic Union Party, “A Statement on the Declaration of the Interim Joint Administration in Kurdish Region in Syria,” November 16, 2013, <http://www.pydrojava.net/eng/index.php/pyd-statements/116-a-statement-by-the-executive-committee-of-the-democratic-union-party>, accessed June 9, 2014.

<sup>16</sup> Letter to Human Rights Watch from Asayish General Commander Ciwan Ibrahim, January 27, 2014.

case without going back to the law or investigating or relying on evidence,” one lawyer who has refused to appear before the courts said. “The courts are not independent.”<sup>17</sup> In Jazira, basic courts are located in Malikiyah, Gergelige (Girkê Legê), Kahtanieh (Tirbespiyê), Qamishli, Amuda, Derbasiyah, Ras al-`Ain, Hasakah (Hisicha) and Tel Tamin (Tal Tamer). Appeals courts are in Ras al-`Ain, Malikiyah, Qamishli and Hasakah.

Each court is presided over by a committee of five, explained Qehreman Issa, co-head of the People’s Court of Qamishli.<sup>18</sup> Four members of the committee are lawyers or legal experts and the fifth “represents society.” He said that local neighborhoods also have special committees to resolve disputes before they go to court.

The PYD told Human Rights Watch that it has included other parties and ethnic groups in the new judicial and political structures, stressing the pluralistic nature of the local administrations. But opposition Kurdish parties, such as the KDPS and Yekiti Party, as well as independent lawyers and activists, complain that the PYD is only willing to accept other parties and groups that agree to the PYD political program.<sup>19</sup>

## Attacks on Kurdish Areas

Although spared much of the fighting in other parts of Syria, civilians in the three predominantly Kurdish areas have been victims of ongoing human rights and humanitarian law violations. First and foremost they have suffered serious abuses at the hands of Islamist non-state armed forces, most prominently ISIS and Jabhat al-Nusra, during and after fighting in the north and northeast. These abuses include indiscriminate shelling of Kurdish-inhabited areas, targeted attacks on civilians, and the torture and killing of captured civilians or fighters, sometimes by beheading.<sup>20</sup> In August 2013, for instance, opposition

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<sup>17</sup> Human Rights Watch interview, name, date and place withheld. Tev-Dem is the broader political movement dominated by the PYD.

<sup>18</sup> Human Rights Watch interview with Qehreman Issa, February 9, 2014, Qamishli.

<sup>19</sup> Human Rights Watch interviews with Abdel Hakim Bashar, Erbil, November 27, 2013, and Mostapha Jomaa, Erbil, November 28, 2013.

<sup>20</sup> United Nations, “Report of the Independent International Commission of Inquiry on the Syrian Arab Conflict,” February 12, 2014, <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>, accessed May 20, 2014.

fighters captured and killed civilians after taking the Kurdish villages of Tel Aran and Tel al-Hasel (Tel Hasel) near Aleppo.<sup>21</sup>

As of June 2014, fighting was continuing between the YPG and ISIS in Ain al-`Arab, where reportedly about 80,000 people remain. ISIS has reportedly cut electricity and water to the area, although residents have dug new wells.<sup>22</sup> In late May, ISIS reportedly had killed up to 15 Arab civilians, including seven children, in the village of al-Tleiliye outside Ras al-`Ain.<sup>23</sup>

ISIS and Jabhat Al-Nusra have also launched suicide and car bomb attacks in `Afrin, Ain al-`Arab and Jazira. The targets are often YPG or Asayish checkpoints, which constitute military targets, but sometimes include local administration officials and in one case an office of the Kurdish Red Crescent. Some of these attacks have killed civilians.

On March 11, 2014, for example, three suicide bombers detonated explosive belts in the Hadaya Hotel in Qamishli, which was being used as a central administrative office, killing five people and wounding eight.<sup>24</sup> On the morning of February 8, 2014, a car bomb exploded outside the Qamishli home of Abdul Karim Omar, an official in the Jazira foreign relations office, as he went to work. Omar was unhurt but the bomb killed a father of five, Mohamed Youssef, 37, who was driving by at the time.<sup>25</sup>

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<sup>21</sup> In seven interviews with residents of Tel Aran and Tel al-Hasel in the KRG in December 2013, Human Rights Watch documented incidents of indiscriminate mortar and artillery fire on the two villages by Islamist forces and the executions of at least seven people.

<sup>22</sup> "They Cut Hands, Cut Heads, Play with Corpses: Islamic Extremists Fighting Brutal War against Kurds in Syria," by Jonathan Spyer, National Post, May 11, 2014, <http://news.nationalpost.com/2014/05/11/they-cut-hands-cut-heads-play-with-corpses-islamic-extremists-fighting-brutal-war-against-kurds-in-syria/>, accessed May 19, 2014.

<sup>23</sup> Amnesty International, "Children Among 15 Civilians Summarily Killed in Northern Syria," June 5, 2014, <http://amnesty.org/en/for-media/press-releases/children-among-15-civilians-summarily-killed-northern-syria-2014-06-05>, accessed June 6, 2014, and Hawar News, "Komkujiya Tilêliyê: 7 zarok bi giştî 15 sivil bûn qurbanî," May 29, 2014, [http://www.hawarnews.com/kurdi/index.php?option=com\\_content&view=article&id=11465:komkujiya-tileliye-7-zarok-bi-giti-15-sivil-bun-qurbani&catid=39:manet](http://www.hawarnews.com/kurdi/index.php?option=com_content&view=article&id=11465:komkujiya-tileliye-7-zarok-bi-giti-15-sivil-bun-qurbani&catid=39:manet), accessed June 2, 2014.

<sup>24</sup> "3 Suicide Bombers Strike at Hotel in North Syria," by Albert Aji, Associated Press, March 11, 2014. See also Report of the Secretary-General on the Implementation of Security Council Resolution 2139 (2014), March 26, 2014, <http://reliefweb.int/report/syrian-arab-republic/report-secretary-general-implementation-security-council-resolution-2139> (accessed April 3, 2014).

<sup>25</sup> Human Rights Watch interview with Abdelkader Omar, Qamishli, February 9, 2014, and son of Mohammed Amin Youssef, Qamishli, February 9, 2014.

## Border Closures and Humanitarian Access

Civilians in Afrin, Ain al-Arab and Jazira are also impacted by border closures imposed at the Turkish border by Turkey and at the Iraqi border by the KRG. Local humanitarian groups, both PYD-run and independent, told Human Rights Watch that crossings with both places have remained only partially open for humanitarian aid, greatly reducing the amount of food and medical supplies that can enter. “If you’re diabetic or have the simplest chronic disease like asthma you’re in trouble,” one humanitarian worker said.<sup>26</sup>

Turkey allows limited aid to enter via the informal crossing at Derbasiyah only once a month and in some cases every six weeks, a local official working on humanitarian aid said in February 2014.<sup>27</sup> Afrin, Ain al-Arab and Jazira have received thousands of displaced persons from other parts of Syria but the number as of February 2014 was unknown, the official said. In mid-May Jazira authorities announced the establishment of the area’s first camp for internally displaced persons, initially with 300 tents, near Malikiyah.<sup>28</sup>

In early February, the World Food Programme (WFP) airlifted 40 metric tons of food aid into Qamishli, and announced the future delivery of 360 more tons, but the aid landed at the Syrian-government-controlled airport.<sup>29</sup> Local Kurdish authorities and local aid workers told Human Rights Watch that none of the aid went to civilians in areas outside the government’s control. In his March 2014 report to the Security Council, UN Secretary-General Ban Ki-moon called the airlifts “a limited and highly cost-ineffective alternative to land access” for the 500,000 people in Hasakah in need of assistance.<sup>30</sup>

On March 20, the Syrian government, for the first time, allowed humanitarian aid to enter Syria from Turkey through the government-held border crossing at Qamishli. Government and government-affiliated organizations distributed the aid. According to a non-PYD affiliated activist in Jazira who works on humanitarian assistance, the Syrian Arab Red

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<sup>26</sup> Human Rights Watch interview, name and place withheld, February 8, 2014.

<sup>27</sup> Human Rights Watch interview with Hember Hassan, Qamishli, February 12, 2014.

<sup>28</sup> “First Refugee Camp Established in Rojava,” Firat News, May 13, 2014, [http://en.firatajans.com/news/news/first-refugee-camp-established-in-rojava.htm?utm\\_source=dlvr.it&utm\\_medium=twitter](http://en.firatajans.com/news/news/first-refugee-camp-established-in-rojava.htm?utm_source=dlvr.it&utm_medium=twitter), accessed May 19, 2014.

<sup>29</sup> World Food Programme, WFP Airlift Brings Aid to Most Vulnerable in Northeast Syria Amid Growing Challenges, February 4, 2014, <https://www.wfp.org/news/news-release/wfp-airlifts-bring-aid-most-vulnerable-northeast-syria-amid-growing-challenges?amp&amp>, accessed March 17, 2014.

<sup>30</sup> Report of the Secretary-General on the Implementation of Security Council Resolution 2139 (2014), March 26, 2014.

Crescent distributed 30% of the aid to a PYD-affiliated organization.<sup>31</sup>

On May 16, WFP announced it was delivering 34 more trucks with food and 10 temporary warehouses for storage across the border at Qamishli.<sup>32</sup>

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<sup>31</sup> E-mail communication to Human Rights Watch, March 26, 2014.

<sup>32</sup> World Food Programme, “Cross-Border Convoy Moves Food Aid Into Northeast Syria As Access Constraints Intensify,” May 16, 2014, <http://www.wfp.org/news/news-release/cross-border-convoy-moves-urgently-needed-food-aid-northeast-syria-access-constrai#.U3cvtDRxGbM.twitter>, accessed May 19, 2014.

## II. Arbitrary Arrests

Over the past two years, the PYD-dominated Asayish has at times arbitrarily arrested political opponents of the PYD. Human Rights Watch investigated the cases of six Kurdish men affiliated with an opposition political party – the Kurdish Democratic Party of Syria, the Azadi Party or the Yekiti Party – whom the authorities appear to have arrested arbitrarily in `Afrin. Three of the men were released and the other three were sentenced to lengthy prison terms after an apparently unfair trial in April 2014 (see below).

The three released men interviewed by Human Rights Watch said they were detained for one week, one month and two months, respectively, but were never formally charged or brought before a judge. During their detentions they said they had no access to a lawyer, and only one of them was granted a family visit. Two of the men thought they had been detained because of their peaceful political activity, and the third did not know the reason.

Two of the three released men said they were not physically abused in detention but they heard others getting beaten at the detention facility where they were held in the basement of a former court house in `Afrin (see Chapter IV, Abuse in Detention). One of the two men said he was held in an isolation cell for 20 days and threatened with death. The third man said he was beaten multiple times with a cable while detained in a village school outside of `Afrin.<sup>33</sup>

Family members of the three people convicted in April 2014 told Human Rights Watch in November 2013 that they had no information about the criminal charges or judicial proceedings, and they thought the arrests were due to peaceful political activity. “You can’t say anything because they’re the power,” the daughter of one of the men told Human Rights Watch, referring to the PYD.<sup>34</sup>

“We have no information,” a sister of one of the other men said. “All we get is rumors about him on Facebook.”<sup>35</sup>

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<sup>33</sup> Human Rights Watch interview, name withheld, Erbil, November 27, 2013.

<sup>34</sup> Human Rights Watch interview, name withheld, Erbil, November 29, 2013.

<sup>35</sup> Human Rights Watch interview, name withheld, Erbil, November 28, 2013.

Relatives of two of the detainees said a family member had been able to visit their relative in detention. In two of these three cases, relatives said that PYD forces took cash and property from their homes and stole the family car.

The Asayish general commander Ciwan Ibrahim denied that the Asayish made arrests on political grounds. “We do not detain a single political prisoner,” he wrote to Human Rights Watch in May 2014. “All detainees are charged with criminal or terrorism-related charges.”<sup>36</sup> Senior administration officials in Jazira made the same point. All arrests were made on the basis of an individual crime, such as trafficking in drugs or involvement in an armed attack staged by an extremist Islamist group, they said. “We have no people arrested on a political basis,” head of internal security for Jazira Kanan Barakat told Human Rights Watch. Arrested political activists have all been charged because they committed criminal offenses, mostly drug or arms possession, he said.<sup>37</sup>

On December 13, 2013, after negotiations between the PYD and opposition parties, the Asayish announced that it had released 54 detainees pursuant to a court order, most of whom had been accused of aiding extremist groups.<sup>38</sup> On January 7, 2014, the KDPS and Azadi parties called for the release of 11 of their detained activists, among them the three individuals whose relatives Human Rights Watch had interviewed.<sup>39</sup>

On April 29, a court in Afrin convicted 13 people for various bomb attacks, including five KDPS members who were on the list of 11 people the KDPS and Azadi parties had complained about in January.<sup>40</sup> The convicted persons were:

- Mohiuddin Sheikh Saydi and Mohammed Hussein, sentenced in absentia to 20 years in prison for detonating a bomb at a civil society building in Afrin on August 22, 2013;

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<sup>36</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

<sup>37</sup> Human Rights Watch interview with Kanan Barakat, Qamishli, February 9, 2014.

<sup>38</sup> “Rojava Public Security Forces Release 54 Detainees,” Firat News, December 13, 2013, <http://en.firatajans.com/news/news/rojava-public-security-forces-release-54-detainees.htm>, accessed March 11, 2014.

<sup>39</sup> <http://pdksp.org/arabic-ar/-nuce/kurdistan/5020-pdksp.html>, accessed March 11, 2014.

<sup>40</sup> “People’s Court in Afrin Prosecutes Accused of the Bombings in the District,” Hawar News, April 29, 2014, <http://hawarnews.com/index.php/2013-02-14-17-53-15/13169-2014-04-29-17-33-51>, accessed May 21, 2014, and “PYD Prosecutes Rival Kurdish Politicians in Syria’s Afrin,” Ara News, April 3, 2014, <http://aranews.net/2014/05/pyd-prosecute-rival-politicians-in-syria-s-efrin/>, accessed May 21, 2014.

- Hanan Ma'mou, Rizan Mohamad and Hamid Bin Jamal, sentenced to 15 years for bombing a car in Efrin on November 27, 2012;
- Bayazid Mamo, Siyamand Barim and Mohammed Saeed Issa, sentenced to 10 years for detonating a bomb at the Free Media Union in Efrin on September 4, 2013;
- Rassoul Ismael, sentenced to 10 years for trying to blow up a car carrying a PYD official;
- Hassan Shandi and Joan Shiekho, sentenced to 20 and 10 years respectively for bombing the women association center in Efrin on July 4, 2013;
- Akid Mostapha and Adham Khalil, sentenced to 10 years for bombing a car in Efrin on November 27, 2012.

The KDPS called the verdicts “politically motivated.”<sup>41</sup> One individual with direct knowledge of the trial proceedings, who wished to remain anonymous due to security risks, said the defendants were convicted solely on the basis of their confessions. The defendants complained to the judge about having been tortured in custody, the person said, but the judge dismissed the complaint.<sup>42</sup>

In response to the verdict, a Kurdish human rights group based in Germany, the Kurdish Centre for Legal Studies and Consultancies (YASA), highlighted a number of procedural violations and criticized the “failure to secure a fair trial.”<sup>43</sup> Based on a review of the court records, YASA said the judges had failed to consider the defendants’ complaints of torture to extract confessions. The local authorities had also refused YASA permission to visit the defendants in February 2014, a member of the group said.<sup>44</sup>

In response to a Human Rights Watch inquiry about the other individuals on the KDPS and Azadi list from January, Asayish general commander Ibrahim said they were not in Asayish custody and “their status is not known to us.”<sup>45</sup>

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<sup>41</sup> “PYD Prosecutes Rival Kurdish Politicians in Syria’s Efrin,” Ara News, April 3, 2014.

<sup>42</sup> Human Rights Watch telephone interview, May 27, 2014.

<sup>43</sup> Kurdish Center for Studies and Legal Consultancy, “People’s Court in ‘Afrin Ignores the Law and Lacks Standards of Justice,” May 30, 2014. <http://yasa-online.org/ar/images/Studien/yasa-aftrin%2ourteil.pdf>, accessed June 3, 2014.

<sup>44</sup> Human Rights Watch telephone interview with Jian Badrakhan, May 23, 2014.

<sup>45</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014. The other individuals on the KDPS and Azadi list are: Ahmad Sidu, Shukry Bakr and Haydar Shukry Bakr, Azadi party members allegedly arrested in September 2013; Juwwan Qalander Bin Mnan, Azadi party member allegedly arrested in August 2013; and Idriss A’loush, lawyer with unknown affiliation, allegedly arrested in ‘Afrin on November 11, 2013.

### III. Due Process Violations

Along with a police force, the PYD-led authorities in `Afrin, Ain al-`Arab and Jazira have established a judicial system over the past two years that includes a prosecutor's office and two levels of courts, basic and appeals. They have also begun to reform some Syrian laws and the criminal code. The extent that Syrian law still applies remains unclear.

According to the head of internal affairs council in Jazira, Kanan Barakat, the Asayish must obtain a warrant from the public prosecutor before making an arrest. He said detainees are treated humanely, granted access to a lawyer, brought before a judge within three days, and tried before an independent court. Interviews with local lawyers, human rights activists and people currently or formerly in detention, however, strongly suggest that the system fails to meet basic fair trial standards or to protect the right of detainees from arbitrary detention and mistreatment.

Justice officials blamed failures on the lack of qualified prosecutors, judges, and legal experts. "We don't deny there are problems," said the senior justice official in Jazira, Sanharib Barjoun, who was appointed in mid-January 2014. "The people in the courts are not always well prepared."<sup>46</sup>

Independent lawyers and human rights activists agreed that the judicial system lacked qualified prosecutors and judges. But they placed blame more squarely on the PYD-run authorities for politicizing the system and for not allowing independent courts.

"The courts are not independent, they are related to one political force," one lawyer said. "As a result, they can't protect their independence."<sup>47</sup>

The founding constitutional document of `Afrin, Ain al-`Arab and Jazira, the Social Contract, enshrines independence of the judiciary (Article 63) and guarantees the right to a fair trial (Article 72). Detaining a person without evidence constitutes a criminal offense (Article 73).

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<sup>46</sup> Human Rights Watch interview with Sanharib Barjoun, February 12, 2014, Qamishli.

<sup>47</sup> Human Rights Watch interview, name and date withheld.

Article 20 says that international human rights covenants and conventions form “an essential part and complement this contract.” Article 22 calls the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights an “integral part of this charter.”

In the majority of the 20 detention cases investigated by Human Rights Watch, including those detained on apparently political charges and those detained for common crimes, the individuals themselves or their relatives said the Asayish did not present a warrant when making the arrest.<sup>48</sup>

Justice and security officials in Jazira told Human Rights Watch that the court provides a lawyer to those who cannot afford one, but none of the current or former prisoners interviewed by Human Rights Watch said they had received this offer. Of the 20 cases examined by Human Rights Watch, only one person said he had a lawyer. The others either did not know they had the right to a lawyer or they did not have the money to pay for one, according to the arrested persons or their relatives.

Barakat and other officials said the Asayish can hold a person for up to 24 hours, extendable for up to two more days by order of the public prosecutor, before seeing a judge. Chapter 6 of the Asayish’s internal regulations prohibit the Asayish from detaining a person for more than 24 hours without an extension order from a “judicial authority,” and a person must be “referred to the judiciary” within seven days (see Appendix III).

Current and former detainees however complained about the period of time in detention before they were brought before a judge. Four people said they saw a judge after one week and one person said it happened after three days. But one person said he did not see a judge until after more than two months in detention. A detainee in Qamishli prison said he had been there for one month at the time of Human Rights Watch’s visit in February 2014 without seeing a judge. A detainee in Malikiyah prison said he had been there for three weeks without seeing a judge.

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<sup>48</sup> Human Rights Watch interviewed a total of 20 detainees and former detainees: 14 people detained as of February 2014 for common crimes in the prisons of Qamishli or Malikiyah (among them two women), 3 men who were detained in `Afrin in 2013 on apparently political grounds and released from custody, and the relatives of a further 3 men currently detained in `Afrin also on apparently political grounds. One man in Qamishli prison said the Asayish caught him possessing drugs and three others turned themselves in when they learned they were wanted. But in the 16 other cases, the individuals or their relatives said the Asayish did not present a warrant when making the arrest.

The question of sentences also caused great confusion among former and current detainees. Two men in Qamishli prison said they were serving sentences without having ever appeared in court. One of the men was caught possessing drugs. He said the Asayish told him that he must stay in prison until he pays a fine. The other man said the Asayish ordered him to stay ten days in prison for a violent altercation with a neighbor who filed a complaint.

Other detainees said they were being held while a mediation or discussion over compensation was underway with the aggrieved party, but they did not understand the process.

The right to a fair trial and other due process guarantees are fundamental rights that apply at all times, even during situations of emergencies such as armed conflict. These basic rights include the right of all detainees to have their detention promptly reviewed by a judge.

International humanitarian law strictly prohibits any party to a conflict from “the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable.”<sup>49</sup>

## Shifting Laws

An ongoing effort by the PYD-led authorities to reform Syrian laws is complicating the justice system. Lawyers, judges, and justice officials gave different accounts of the laws in effect.

Article 18 of the Social Contract states: “There is no crime and no punishment without a legal text.” However, the PYD-run areas have no legal gazette to publish new laws, and the authorities have not otherwise published changes to Syrian laws or the criminal code.

Exactly who is responsible for abrogating and amending laws also remains unclear. Future plans exist to form a Constitutional Court that ostensibly could review laws but the body does not yet exist.

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<sup>49</sup> ICRC, Customary IHL database, Rule 100; Common article 3 of the Geneva Conventions.

At the same time, some of Syria's laws are so broadly articulated that the courts could potentially punish a range of peaceful activities and stifle free expression. Some provisions explicitly ban political expression, such as those prohibiting membership in political parties without permission.<sup>50</sup> Other laws discriminate against Kurds, such as the ban on using the Kurdish language and restrictions on the sale of property to Kurds.<sup>51</sup>

According to the head of internal security in Jazira, Kanan Barakat, also a lawyer, the project to reform laws and regulations began around September 2012. He said a combination of laws from Syria, Switzerland, the United Kingdom, and Egypt were currently in effect, as well as the Social Contract and what he called "local customs." Co-head of the People's Court of Qamishli, Qehreman Issa, gave a similar account. "We are preparing the laws for Rojava bit by bit," he said. "Some laws are from Syria, some from France, the UK." He explained that, unless there is a change, Syrian law remains in effect but "at the same time we get inspiration from other laws."<sup>52</sup> This differed from the view of Asayish general commander Ciwan Ibrahim, who said the Asayish applies Syrian criminal law and the Social Contract.<sup>53</sup>

Qehreman Issa rejected claims that the unclear legal reform opens the door for abuse. "We in the society are in agreement about what is criminal and what is not," he said.

Aside from having revoked the discriminatory laws against Kurds, justice officials said they had also removed the death penalty. Indeed, in a positive development, Article 26 of the Social Contract abolishes capital punishment.

The unclear reform process has left prisoners and detainees confused. "[The judge] told me that I am detained until they figure out what to do with me," one prisoner in Qamishli prison said. "I don't know what law I will be judged under."<sup>54</sup>

"I don't know what's going on, no one knows the laws," another prisoner in Qamishli prison complained.<sup>55</sup>

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<sup>50</sup> See Human Rights Watch, "Group Denial: Repression of Kurdish Political and Cultural Rights in Syria."

<sup>51</sup> Ibid.

<sup>52</sup> Human Rights Watch interview with Qehreman Issa, February 9, 2014, Qamishli.

<sup>53</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, January 27, 2014

<sup>54</sup> Human Rights Watch interview, name withheld, February 10, 2014, Qamishli prison.

<sup>55</sup> Human Rights Watch interview, name withheld, February 10, 2014, Qamishli prison.

## IV. Abuses in Detention

Article 25 of the Social Contract prohibits the physical or mental abuse of arrested persons. Such abuse is taking place nevertheless, in two recent cases leading to death.

One man arrested for a common crime, whose details are not provided to protect his identity, said Asayish members physically beat him in Qamishli in late 2013 to force him to confess.

When they put me in the car they started to punch me. They kept beating me from Amuda to Qamishli. They punched me in the head, face and stomach. They took me to Qanat al-Sweis police station. I didn't confess right away, and they beat me. The second day they asked me again and I denied. The fifth day they took me, blindfolded me, and put my hands in the cuffs. They put me on the ground. They put my legs in their Kalashnikov. They started to beat me on part of my legs...bottom of my feet...with a thick stick.... My eyes were blindfolded. Two people held my legs. They caused a big shock. They used electricity also. Because my flesh can't handle the stick, I confessed.<sup>56</sup>

The man said he appeared before a court after one month and the judges asked if he had confessed due to torture. The man replied that he had but also told the judges that he had committed the crime. He said the court acknowledged that he had been beaten but asked no questions and took no further steps. As far as he knows, no Asayish members have been punished.

Another detainee said he was arrested in mid-2013 for a common crime. He tried to escape the Asayish, he said, and when they caught him, they beat him:

They hit me in the head with a Kalashnikov when they caught me. They broke one of my ribs. They took me to Gharbiyeh [an Asayish police station in Qamishli]. The Asayish beat me there. They were five guys. They hit me

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<sup>56</sup> Human Rights Watch interview, place and date withheld.

with their Kalashnikovs and with sticks. I was bleeding. They were swearing at me and beating me. After that they brought us food. Then one of the Asayish stitched up my head.<sup>57</sup>

Another man, a member of KDPS, said he was badly beaten after his arrest in `Afrin in July 2013, ostensibly for involvement in a bomb attack:

One guy came with a heavy cable. He called me. He told me to lie down and he started hitting me. He began with the feet and then my whole body. They said I had killed a PYD guy. They went to bury their guy and then came back. They brought dirt from his grave and asked me to eat it. Then they beat me again. They brought a Kalashnikov and tied it to my feet between the gun and strap. One guy got tired so another beat me.<sup>58</sup>

Two other men who were detained and released from custody in `Afrin said they were not physically abused in detention but they heard others getting beaten at the detention facility where they were held in the basement of a former court house. One of those men said he was held in an isolation cell for 20 days and threatened with death.<sup>59</sup>

Some members of the YPG also beat dozens of detainees, members of the Yekiti Party, in June 2013 after using excessive lethal force against a demonstration in Amuda (see Chapter VIII, Amuda Protest). Two of the beaten detainees told Human Rights Watch that the YPG held them for one and a half days in a damp basement on a YPG base near Himo, where they were denied food and water and beaten.<sup>60</sup>

The head of the internal affairs council in Jazira, Kanan Barakat, accepted that some detainee abuse took place but said abusive forces are held to account. "It's happened, maybe some beating or excessive force," Barakat said. When abuse take place, the responsible Asayish member is held accountable "like any other citizen," he added.

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<sup>57</sup> Human Rights Watch interview, name, place and date withheld.

<sup>58</sup> Human Rights Watch interview, name withheld, Erbil, November 27, 2013.

<sup>59</sup> Human Rights Watch interviews, Erbil, November 27, 2014.

<sup>60</sup> Human Rights Watch interviews, names withheld, Amuda, February 11, 2014.

Barakat did not know how many Asayish members had been punished.<sup>61</sup>

Asayish general commander Ciwan Ibrahim gave some details in response to a question from Human Rights Watch. Five Asayish members had been disciplined for having maltreated detainees, he wrote to Human Rights Watch, without indicating when this had happened.<sup>62</sup> The punishments ranged from four to six months of detention, and all of the individuals were dismissed from the force, he wrote.

## Death of Hanan Hamdosh

On May 3, 2014, Asayish forces in Afrin arrested 36-year-old Hanan Hamdosh, according to a media report and a person close to the family. The next day, Asayish told the family that Hanan had died in detention from purposefully striking his head against the wall.

The person close to the family said that Hamdosh had been arrested before for criminal acts, but was released to attend his wedding on May 2.<sup>63</sup> The day after the wedding, he had an altercation with a person in Afrin that prompted an Asayish intervention. The Asayish arrested Hamdosh, who cursed PKK leader Abdullah Öcalan, insulted the Asayish officers and struck one of them, the person said.

On May 4, the Asayish informed the family that Hamdosh had killed himself in detention by striking his head against the wall. A statement released by the Asayish reportedly said that Hamdosh was drunk and had acted aggressively. “As he was kept in detention, he started to shout and to hit the wall and metal door of the detention room with his head which caused his death,” the statement said.<sup>64</sup>

The person close to the family, who saw the body after the Asayish had returned it to the family, described heavy bruises around the eyes and on both hands, a broken finger on one hand and an abrasion on the back of the neck – wounds which the person said appeared inconsistent with self-afflicted blows to the head. A photograph of Hamdosh’s

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<sup>61</sup> Human Rights Watch interview with Kanan Barakat, Qamishli, February 9, 2014.

<sup>62</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

<sup>63</sup> Human Rights Watch telephone interview, May 27, 2014.

<sup>64</sup> “Assayish Forces Deny Torturing Syrian Kurd to Death,” Ara News, May 10, 2014, <http://aranews.net/2014/05/assayish-forces-deny-torturing-syrian-kurd-to-death/>, accessed May 28, 2014.

face viewed by Human Rights Watch showed what appeared to be contusions and dark bruises around both eyes.

## Death of Rashwan Atash

On February 18, 2014, four members of the Atash family were detained after an altercation with the Asayish in Ras al-`Ain. The altercation took place after the Asayish intervened in a dispute over money between the Atash family and another family. One of the four detained members of the Atash family, Rashwan Atash, a 24-year-old electrical engineer, died after being taken into custody.<sup>65</sup>

A statement issued by the Asayish on February 19 said an Asayish member had “attacked the suspects involved in the quarrel, which led to the death of Rashwan Atash from a heart attack.”<sup>66</sup> The Asayish said the responsible Asayish member would be tried before a court.

On February 20, the Asayish delivered Rashwan’s body to the family. His brother told the media that his body bore signs of abuse. Rashwan’s cousins were released but had also been beaten, a person close to the family told Human Rights Watch.<sup>67</sup>

In response to questions from Human Rights Watch, Asayish general commander Ciwan Ibrahim said that the (unnamed) responsible Asayish member had been tried and convicted for murder, and sentenced to “life imprisonment with hard labor.” A member of the Atash family confirmed the Asayish member’s arrest and conviction.<sup>68</sup>

“Rashwan died on February 18, 2014, hours after his arrest, due to a beating by an Asayish administrative member in Ras Al-`Ain, in response to provocation by Rashwan,” Ibrahim

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<sup>65</sup> “Detainee Dies Under Torture in Asayish Prison, North Syria,” ARA News, February 2, 2014, <http://aranews.org/en/home/kurdish-region/1059-detainee-dies-under-torture-in-assayish-prison,-north-syria.htm>, accessed March 12, 2014; “Statement on the Death of the Deceased Reshwan Atash Beko, Gemya Kurda, February 21, 2014, <http://www.gemyakurdan.net/nuche/nuche-navmale/item/18871-2014-02-20-22-47-55>, accessed March 12, 2014; “Kurdish Citizen Dies in Prison in Sere Kanye,” Welati, February 19, 2014, <http://welati.info/nuce.php?ziman=ar&id=13073&niviskar=1&cure=5&kijan>, accessed March 12, 2014, and letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

<sup>66</sup> “Asayish Statement Regarding the Death Rashwan Atash Beko, February 19, 2014, <http://www.gemyakurdan.net/nuche/nuche-navmale/item/18834-2014-02-19-15-53-54>, accessed March 12, 2014.

<sup>67</sup> Human Rights Watch telephone interview, name withheld, March 12, 2014.

<sup>68</sup> Human Rights Watch telephone interview, name withheld, June 3, 2014

wrote. “The cause of Rashwan's death was cardiac arrest, caused by the beating of the Asayesh administrative member (B).”<sup>69</sup>

According to Ibrahim, the Asayish members who witnessed the beating of Rashwan have been dismissed from the force.

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<sup>69</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

## V. Prison Conditions

In Jazira, Human Rights Watch visited the two known prisons currently in operation in the area: the facilities in Qamishli and Malikiyah. A third prison in the Qamishli neighborhood of Qanat al-Sweis was closed after a bomb attack at the front gate on November 23, 2013.<sup>70</sup>

Asayish general commander Ciwan Ibrahim said the areas of `Afrin and Ain al-`Arab each have one prison but Human Rights Watch was unable to visit those areas for security reasons. In a letter to Human Rights Watch, he said that, as of May 4, the Asayish was holding 130 people in `Afrin and 83 in Ain al-`Arab, but these numbers change as a result of arrests and releases.<sup>71</sup>

Jazira authorities were informed ahead of time about the visit to Qamishli prison, but prisoners there said nothing had been changed prior to Human Rights Watch's arrival. The visit to Malikiyah prison was spontaneous.

Qamishli and Malikiyah prisons are both run by the Asayish. The head of the Jazira Justice Council, Sanharib Burson, said the prisons will be transferred soon under his committee's jurisdiction but he was unable to give dates for that transfer.<sup>72</sup>

In addition to these two prisons, detainees are also held for short periods in Asayish stations across Jazira, as well as in `Afrin and Ain al-`Arab. According to Asayish general commander Ciwan Ibrahim, the force has 13 stations in Jazira.<sup>73</sup>

Opposition activists and some lawyers in `Afrin, Ain al-`Arab and Jazira said the authorities also ran secret detention facilities but Human Rights Watch was unable to confirm that claim. Asayish general commander Ibrahim denied having any secret detention facilities and said the prisons are open for visits by nongovernmental organizations.<sup>74</sup>

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<sup>70</sup> KurdWatch, "Al-Qamishli: Three Attacks against the PYD and the Regime," November 25, 2013, <http://www.kurdwatch.org/index.php?aid=2973&z=en&cure=1009>, accessed June 6, 2014.

<sup>71</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014 (see Appendix IV).

<sup>72</sup> Human Rights Watch interview with Sanharib Burson, Qamishli, February 12, 2014.

<sup>73</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, January 27, 2014.

<sup>74</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

The YPG also has detention facilities for prisoners of war but they provided no information about the location of these facilities or the number of prisoners. “Those we arrest we treat as prisoners of war, according to the Geneva Conventions,” YPG spokesman Redur Xelil said. In some cases, the YPG had engaged in prisoner swaps with Islamist non-state armed groups.<sup>75</sup>

Conditions at Qamishli and Malikiyah prisons were adequate. The prisoners – incarcerated for crimes ranging from theft to murder – had no major complaints about the physical environment: they got adequate food three times a day, exercise at least once per day, and were able to see a doctor if they were ill.

The main complaint of prisoners was the lengthy time before they saw a judge – in two cases more than one month – and the lack of clarity about their legal process (see Chapter III, Due Process Violations).

The Qamishli prison, formerly a cinder block factory, has been in operation for two and a half years, the prison director Faner Mahmoud said.<sup>76</sup> He said, and prisoners confirmed, that the prison was holding 17 prisoners at the time of Human Rights Watch’s visit, though the prison had capacity to hold 40. Mahmoud said the prisoners were all pre-sentence. Head of the internal affairs in Jazira, Kanan Barakat, said that lawyers visit their clients every three or four days but only one of the seven prisoners Human Rights Watch interviewed in Qamishli prison said he had a lawyer, either because they did not know they had the right to see one or they did not have the money to afford one.<sup>77</sup>

All of the prisoners in Qamishli prison were men, and all of the interviewed prisoners said they were older than 18 years old. The prisoners were held in two group rooms with no separation of prisoners who had committed serious crimes, including at least one man held for murder.

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<sup>75</sup> Human Rights Watch interview with Redur Xelil, Rmeilan, February 12, 2014.

<sup>76</sup> Human Rights Watch interview with Faner Mahmoud, Qamishli, February 10, 2014.

<sup>77</sup> Human Rights Watch interview with Kanan Barakat, Qamishli, February 9, 2014.

Previously a security branch run by the Syrian government, the PYD-led authorities took control of Malikiyah prison also about two and half years ago, an official at facility said. “We found whips, sticks, batons, but we got rid of these things,” he explained.<sup>78</sup>

Human Rights Watch interviewed seven prisoners, two of them women who had been transferred to Malikiyah prison from Hasakah on that day. The women were held in a separate cell, and 13 men were together in one large cell, with no separation for men who had committed serious crimes. The prison’s capacity is 20.

The prison official said that all of the prisoners had appeared in court, but five of the seven interviewed prisoners said they had not yet been in court.

The Asayish has not established procedures to allow for the regular monitoring of detention facilities, both prisons and Asayish stations, by human rights monitors. One local human rights organization told Human Rights Watch that it had conducted some ad hoc visits, as had some lawyers, and the newly established Human Rights Committee of the local authority said they planned to undertake such visits.<sup>79</sup> But mechanisms and procedures for these visits remained unclear.

In February 2014, a Kurdish human rights group based in Germany, the Kurdish Centre for Legal Studies and Consultancies (YASA), which was in `Afrin to conduct human rights trainings, requested permission to visit a group of detainees. The authorities refused, YASA said.<sup>80</sup>

The monitoring of Asayish detention facilities is critical because most reports of abuse come from the initial period after arrest and during interrogations.

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<sup>78</sup> Human Rights Watch interview with prison official, Malikiyah, February 13, 2014.

<sup>79</sup> Human Rights Watch interview with Sanharib Burson, Qamishli, February 12, 2014.

<sup>80</sup> Human Rights Watch telephone interview with Jian Badrakhan, May 23, 2014.

## VI. Unsolved Disappearances and Killings

Since the PYD began to establish control in 2012 over Afrin, Ain al-`Arab and Jazira, some politically active individuals with non-PYD parties have gone missing or been killed in unclear circumstances. PYD authorities deny involvement in these crimes, and blame the Syrian government or other non-state armed groups. Opposition parties and relatives of some of the victims blame the PYD.

Human Rights Watch conducted only cursory investigations into the four cases below, and does not have conclusive evidence that PYD authorities were involved. However, by all available accounts the authorities have not conducted serious investigations into these deaths and disappearances. On the merits of the cases alone, and especially given the allegations of politically motivated crimes, the PYD-led authorities should conduct full and impartial investigations to determine what took place.

The most prominent case, the October 2011 killing in Qamishli of the Kurdish political activist and politician Meshaal Tammo, is among those that remain unsolved, though it occurred before the PYD had established full control.<sup>81</sup> Tammo's family and the PYD accused the Syrian government of the killing.<sup>82</sup>

### Amir Hamid

On January 11, 2014, a group of armed men reportedly kidnapped 37-year-old Amir Hamid, a member of an anti-Syrian government youth group, from his home in Derbasiyah. Hamid's family told the media that the men took Amir and three others who were with

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<sup>81</sup> Other unsolved murders include the September 21, 2012 killing of Kurdish youth activist Mahmoud Wali in Ras al-`Ain and the February 13, 2012 shooting of KDPS member Nusredine Burhek in Kahtanieh. Burhek reportedly died ten days later. (See Al Jazeera, Syria Live Blog, "Prominent Kurdish activist Mahmoud Wali, known as Abu Ghandi, gunned down in northeast Syria, activists say," September 21, 2012, <http://blogs.aljazeera.com/topic/syria/prominent-kurdish-activist-mahmoud-wali-known-abu-ghandi-gunned-down-northeast-syria>, accessed June 9, 2014 and "The Martyrdom of Nusredine Burhek, member of the Kurdish National Council," Gulan Media, February 22, 2012, [http://www.gulan-media.com/arabic/t\\_detail.php?section=1&id=4163](http://www.gulan-media.com/arabic/t_detail.php?section=1&id=4163), accessed June 9, 2014.)

<sup>82</sup> "Killing of Opposition Leader in Syria Provokes Kurds," by Anthony Shadid, New York Times, October 8, 2011, <http://www.nytimes.com/2011/10/09/world/middleeast/killing-of-opposition-leader-in-syria-provokes-kurds.html?pagewanted=all&r=0>, accessed April 21, 2014, and Human Rights Watch interview with Salih Muslim, Beirut, February 15, 2013.

him at the time.<sup>83</sup> On January 15, Asayish denied having any involvement in Amir's disappearance.<sup>84</sup>

A relative of Hamid told Human Rights Watch that armed men the family believed to be from the YPG took Amir, along with three other men and a woman, who were meeting to organize getting smuggled to Turkey. Amir feared for his safety, even though he was a peaceful activist in the Kurdish youth movement, the relative said.<sup>85</sup>

According to the relative, two of the men and the woman were released, but Amir and the other man, an Arab, remain missing as of May 20. "The place where my brother was detained is a place that was previously held by the YPG," the relative said. "I know it and everybody knows it."

The Asayish told Human Rights Watch that they conducted an investigation but were unable to find Hamid. "We could only establish that a civilian car carrying 4 civilians had abducted Mr. Hamed, leaving the smuggler and the Arab girl," Asayish general commander Ciwan Ibrahim wrote in a letter to Human Rights Watch.<sup>86</sup>

## Ahmed Bonchaq

According to the KDPS party and a person close to the family, 20-year-old Bonchaq was active in the KDPS and had gone to the KRG in 2012 for military training by security forces there. He was briefly detained by PYD security forces upon his return in August 2012, and was then arrested by Asayish forces in Qamishli on February 19, 2013, the person close to the family said.<sup>87</sup> The Asayish allegedly did not acknowledge Bonchaq's detention but they released him from a facility in Malikiyah on May 8, 2013. Asayish General Commander Ciwan Ibrahim told Human Rights Watch that the Asayish had detained Bonchaq in February because he had "fought with an extremist group."<sup>88</sup>

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<sup>83</sup>"Official announcement from the family of activist Amir Hamid kidnapped from the city Derbasiyah northeast of Syria", Rihab News, January 17, 2014, <http://goo.gl/qtrnjo>, accessed May 21, 2014.

<sup>84</sup>"Al-Hasakah: Asayish denies responsibility for the kidnapping of a member of the Organization of the Souz in Derbasiyah," Ara News, January 15, 2014, <http://aranews.org/web/2871>, accessed May 21, 2014.

<sup>85</sup> Human Rights Watch interview, name and place withheld, May 6, 2014.

<sup>86</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

<sup>87</sup> Human Rights Watch interview, name withheld, Kawergorsk Refugee Camp, Iraq.

<sup>88</sup> Human Rights Watch Skype interview with Asayish General Commander Ciwan Ibrahim, February 4, 2014.

Four months later, on September 1, 2013, unknown gunmen shot and killed Bonchaq a few hundred meters from his Qamishli house, in front of the Abd Ahad Younan School. Although the killing occurred at midday, apparently with witnesses, the Asayish has to date made no arrests. Asayish General Commander Ciwan Ibrahim wrote to Human Rights Watch that the Asayish has “leads on the identity of the assassins” but did not provide details.<sup>89</sup>

On May 4, Asayish General Commander Ciwan Ibrahim wrote to Human Rights Watch that the Asayish had no information about the case.<sup>90</sup>

## Bahzed Dorsen

The head of the KDPS in Malikiyah, Bahzed Dorsen, went missing on October 24, 2012, while traveling in a car near the Syria-KRG border, with the intent of crossing into KRG, his family and party said. His family and the KDPS believe the abduction was politically motivated and that he was taken by the PYD.<sup>91</sup> Human Rights Watch does not have evidence to assign blame, but the PYD-led authorities have apparently failed to conduct a proper investigation. The authorities deny involvement in the disappearance and say Syrian government security forces were operating in the area at the time.<sup>92</sup>

The Asayish in Malikiyah said that they are not currently investigating the case. “We investigated it but rumor in the street is that he went to Germany, so we’re not sure,” an Asayish official in Malikiyah said. “At the same time, even the regime was controlling this area [of Dorsen’s disappearance].”<sup>93</sup>

A relative of Bahzed Dorsen, who wished to remain anonymous, said Dorsen had received threats from the PYD prior to his disappearance. He rejected the suggestion that Dorsen was in Germany or that he was taken by Syrian government forces. “Only the YPG was active where [he] was kidnapped,” he said.<sup>94</sup>

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<sup>89</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, April 24, 2014.

<sup>90</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

<sup>91</sup> Human Rights Watch interview with Bahzed Dorsen relative, place and date withheld, and with Abdel Hakim Bashar, Erbil, November 27, 2013.

<sup>92</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

<sup>93</sup> Human Rights Watch interview, Malikiyah, February 13, 2014.

<sup>94</sup> Human Rights Watch interview with Bahzed Dorsen relative, place and date withheld.

This relative and one other family member said that no one from the Asayish or local authorities had interviewed them as part of the alleged investigation. If true, this stands in sharp contrast to the mass arrests the Asayish typically make after security incidents, including bomb attacks.

In response to Human Rights Watch questions about the case, Asayish General Commander Jawan Ibrahim said the Asayish searched for twelve days without success after Dorsen's disappearance.<sup>95</sup>

## **Nidal, Ahmad and 'Amar Badro**

On January 8, 2012, armed individuals reportedly affiliated with the PYD went to the Qamishli home of Abdullah Badro, a former supporter of the PKK, to resolve a property dispute. A fight ensued that left Abdullah Badro wounded and a known senior PYD member named Mohamed Mahmud ("Khabad") dead.<sup>96</sup>

Two days later, unidentified gunmen shot and killed three of Abdullah's sons: Nidal, 45, Ahmad, 41, and 'Amar, 39. A member of the family told Human Rights Watch that Ahmed was shot in the courtyard of the hospital while visiting his father, while Nidal and 'Amar were shot in their car while driving home from the hospital.<sup>97</sup> A previously unknown group that called itself "Protectors of the People's Values" reportedly took responsibility for the murders but the family believes the PYD was taking revenge for the death of one of its senior members.<sup>98</sup> The family member told Human Rights Watch that Abdullah Badro's house in the Hay-Gharbi neighborhood of Qamishli is now occupied by the Asayish and the street name has been changed from Huriyya Street to Khabad Street after the PYD member who died. To date, no one is known to have been arrested for the murders.

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<sup>95</sup> Letter to Human Rights Watch from Asayish General Commander Jawan (Ciwan) Ibrahim, May 4, 2014.

<sup>96</sup> KurdWatch, "Al-Qamischli: PYD-Mitglieder töten drei Personen und verletzen eine schwer," January 13, 2012, <http://www.kurdwatch.org/?z=de&aid=2389>, accessed May 28, 2014.

<sup>97</sup> Human Rights Watch interview with Badro family member, Berlin, May 27, 2014.

<sup>98</sup> KurdWatch, "Al-Qamischli: PYD-Mitglieder töten drei Personen und verletzen eine schwer," January 13, 2012.

## VII. Children in Security Forces

Since assuming power in 2012, the Asayish and YPG have both used boys and girls under age 18 at checkpoints and on bases in `Afrin, Ain al-`Arab and Jazira. Some children have fought with the YPG. The Asayish serves as a police force, but its members are armed with automatic weapons and its checkpoints have been the target of car bombings and other attacks.

The use of children by the Asayish and YPG directly violates the internal regulations of both forces (see Appendices II and III), which forbid membership of anyone under age 18. International law prohibits the use of children as participants in direct hostilities, which includes using children as scouts, couriers, or at checkpoints.

The Asayish and YPG say they have made efforts over the past year to reduce their use of children for military purposes but the problem persists in both forces. During a visit to Jazira in February 2014, Human Rights Watch saw two armed Asayish members who said they were under 18, and two others who looked under 18, but, after pressure from their commanders, refused to give their ages. Human Rights Watch also interviewed a 16-year-old boy who said he had been in the YPG since the previous year. Two other people said that children in their families had recently joined the YPG – one of them a 13-year-old boy whom the YPG sent home after the family complained.

Human Rights Watch did not visit `Afrin or Ain al-`Arab and could not confirm whether children are still in the security forces there.

In a positive development, on June 5 the YPG publicly admitted that the problem of child fighters continued. It pledged to demobilize all of its fighters under age 18 within one month and to cease its recruitment of children.<sup>99</sup>

In its August 2013 report, the UN Commission of Inquiry on Syria reported on the YPG's use of children. "In `Afrin (Aleppo) and Al Hasakah, the YPG recruited boys and girls from the

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<sup>99</sup> Geneva Call, "Syrian Kurdish Armed Non-State Actor Commits to Ban Anti-Personnel Mines, Sexual Violence and Child Recruitment," June 16, 2014, <http://www.genevacall.org/syrian-kurdish-armed-non-state-actor-commits-ban-anti-personnel-mines-sexual-violence-child-recruitment/>, accessed June 16, 2014.

age of 12,” the report said. “In late 2012, large numbers were recruited to counter an attempt by Jabhat Al-Nusra to enter Al Hasakah from Turkey.”<sup>100</sup>

Five months later, a UN report on Children and Armed Conflict in Syria said that, as of November 15, 2013, boys and girls aged 14 to 17 had joined “Syrian Kurdish armed groups” in al-Hasakah governorate. “Children have mostly been used to man checkpoints, transfer information and military supplies, but were also trained to participate in combat,” the report said. One 17-year-old boy said he had participated in military operations.<sup>101</sup>

Human Rights Watch interviewed seven Syrian Kurds in northern Iraq in December 2013 who said that they had at least once seen armed boys and girls under age 18 at YPG or Asayish checkpoints in November or December 2013. In two cases, the person recognized the boy and warned the parents. In one case, the person said his 17-year-old son had joined the YPG. This man said he knew of other children who had been sent to the frontlines, some of whom had died.

## YPG Response and Ongoing Use of Children

In response to the 2013 UN Commission of Inquiry report, the YPG called the recruitment of children “unacceptable” and “prohibited.” Some children had joined on a “voluntary basis” but did not serve on the battlefield, the YPG said.<sup>102</sup>

Three senior PYD officials, YPG spokesman Redur Xelil, and the Jazira head of internal affairs, Kanan Barakat, all told Human Rights Watch that security forces in Afrin, Ain al-Arab and Jazira rejected the use of children in any combat function, including at checkpoints. Some children had volunteered and their participation in military activity represented isolated mistakes, they said in late 2013 and early 2014.

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<sup>100</sup> Human Rights Council, Report of the independent international commission of inquiry on the Syrian Arab Republic, August 16, 2013, [http://r.duckduckgo.com/l/?kh=1&uddg=http%3A%2F%2Fwww.ohchr.org%2FEN%2FHRCBodies%2FHRC%2FRegularSessions%2FSession24%2FDocuments%2FA\\_HRC\\_24\\_46\\_en.DOC](http://r.duckduckgo.com/l/?kh=1&uddg=http%3A%2F%2Fwww.ohchr.org%2FEN%2FHRCBodies%2FHRC%2FRegularSessions%2FSession24%2FDocuments%2FA_HRC_24_46_en.DOC), accessed March 16, 2014.

<sup>101</sup> Report of the Secretary-General on children and armed conflict in the Syrian Arab Republic, January 27, 2014, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/627/07/PDF/N1362707.pdf?OpenElement>, accessed March 16, 2014.

<sup>102</sup> Rodi Khalil, “The Message of the People’s Protection Units”, Rodi Khalil Blog, October 4, 2013, <http://rodikhalil.blogspot.nl/2013/10/the-message-of-peoples-protection-units.html>, accessed May 21, 2014.

In December 2013, YPG General Command issued an order that prohibited participation in the YPG of children under age 18. Those who violate the order will be held “strictly accountable,” the order said.<sup>103</sup> The order bolstered Article 5.2 of the YPG’s internal regulations, which states that YPG members must be 18 or older (see Appendix II).

In a January 2014 letter, YPG spokesman Xelil wrote to Human Rights Watch that the YPG had implemented the December order by removing from military operations 17 people under age 18, without specifying if they were boys or girls. He wrote that these children were instead assigned tasks in media, education, or political training centers. The YPG was also in negotiations with the Switzerland-based organization Geneva Call to sign a public pledge to stop using child soldiers, Xelil wrote.<sup>104</sup> In October 2013, the PKK in Turkey had signed Geneva Call’s “Deed of Commitment” to prevent children under 18 from taking part in hostilities.<sup>105</sup>

In a February 12, 2014 meeting with Human Rights Watch, Xelil explained that the December order was issued to reaffirm the YPG’s regulations because of violations. “I’m sad to say there were sometimes violations of that order and were even some martyrs among them,” he said. Xelil said that no YPG members had been disciplined for having violated the regulations of the December order.<sup>106</sup>

Regarding ongoing cases, Xelil said the YPG had taken concerted action but he could not rule out the continued involvement of some children. “I can’t be certain 100%, maybe there are a few cases in Afrin or elsewhere,” he said.

During its February 2014 visit to Jazira, Human Rights Watch gathered evidence of the YPG’s continued use of children. On February 12, researchers interviewed a 16-year-old boy who said he had been serving in the YPG since he was 15. He said he joined after going to YPG meetings at local youth centers, where YPG members spoke to him and other children. “They would talk to us about the Kurdish situation and explain the importance of

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<sup>103</sup> [https://www.facebook.com/groups/344020305625449/#!/Redurxelil/posts/462356670536408?stream\\_ref=10](https://www.facebook.com/groups/344020305625449/#!/Redurxelil/posts/462356670536408?stream_ref=10)

<sup>104</sup> Letter to Human Rights Watch from YPG Spokesman Redur Xelil, January 23, 2014.

<sup>105</sup> Geneva Call, “Major Kurdish armed group commits to the protection of children in armed conflict,” October 25, 2013, <http://www.genevacall.org/major-kurdish-armed-movement-commits-protection-children-armed-conflict/>, accessed June 6, 2014.

<sup>106</sup> Human Rights Watch interview with Redur Xelil, Rmeilan, February 12, 2014.

defending the [Kurdish] nation,” he said. “It is our choice to join... My mom and dad were against it and said no but I wanted to.”<sup>107</sup>

The boy said he went to a YPG base to register with his real name and age, and the YPG allowed him to join. He received weapons training and has since worked at checkpoints, and been sent to places where there have been explosions. “In the morning I go to school and then I go to serve,” he said.

On February 13, Human Rights Watch spoke with a woman in Qamishli who said her 13-year-old son had joined the YPG in December 2013 without her knowledge after spending time at a PYD youth center. After locating him and speaking to his YPG commanders, the family agreed to let him finish the training, with the understanding that the YPG would send him home when the training was done, which the YPG did.<sup>108</sup>

On March 21 Human Rights Watch interviewed a Kurdish man from Amuda by phone, who said his 17-year-old brother had joined the YPG in January. The man said his brother had left home without informing the family of his intentions, and the family only learned that he had joined the YPG a few days later from a YPG official.

“He disappeared and for three days my parents searched for him everywhere, including police stations and security branches, but they didn’t find him,” the man said. “On the fourth day a YPG official, not high ranking, came to my parent’s house and told them that he had joined the YPG.”<sup>109</sup>

The man told Human Rights Watch that in March his brother had visited his sister at her school wearing a military uniform and carrying a weapon. He told his sister that he was fighting with the YPG on the frontline. “That was the last time we heard from him,” the man said.

On June 5, the YPG told Geneva Call that it would register all of its fighters under age 18 and demobilize them within one month. The YPG also said it would no

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<sup>107</sup> Human Rights Watch interview, name and place withheld, February 12, 2014.

<sup>108</sup> Human Rights Watch interview, name withheld, Qamishli February 12, 2014.

<sup>109</sup> Human Rights Watch telephone interview, name withheld, March 21, 2014.

longer admit new recruits under age 18 and sign Geneva Call’s “Deed of Commitment” protecting children in armed conflict.<sup>110</sup>

## Asayish Response and Ongoing Use of Children

Asayish internal regulations, Article 7.2, forbid individuals under 18 from joining the force (see Appendix III). The newly appointed head of internal security in Jazira, Kanan Barakat, with supervision over the Asayish there, said on February 9, 2014 that the force used to accept children but that changed “four or five months ago.” Today all Asayish members must be over 25 and there are no children in the force, he said.<sup>111</sup>

In a February 2014 Skype interview with Human Rights Watch, Asayish General Commander Ciwan Ibrahim said the change had occurred one month before:

When the Syrian revolution first started we had to recruit children under the age of 18. A month ago we issued an order prohibiting the recruitment of child soldiers not even on a voluntary basis. In the past month we have complied with the order and we no longer have child soldiers.<sup>112</sup>

Despite these commitments, on February 12, 2014, Human Rights Watch saw an armed girl at an Asayish checkpoint in Malikiyah, who said she was 17 years old.

On February 13, Human Rights Watch saw an unarmed girl working as an Asayish guard at a checkpoint near the Semelka (Faysh Khabour) border crossing with KRG, who said she was 17 years old. The girl said she had worked with the Asayish, including at checkpoints, for more than two years.

During the February visit to Jazira, Human Rights Watch saw two other young, armed Asayish members – a male and a female – who looked under 18, but, under pressure from their commanders, refused to give their ages.

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<sup>110</sup> Geneva Call, “Syrian Kurdish Armed Non-State Actor Commits to Ban Anti-Personnel Mines , Sexual Violence and Child Recruitment,” June 16, 2014.

<sup>111</sup> Human Rights Watch interview with Kanan Barakat, Qamishli, February 9, 2014.

<sup>112</sup> Human Rights Watch Skype interview with Asayish General Commander Ciwan Ibrahim, February 4, 2014.

## Legal Standards

International law sets 18 as the minimum age for participation in direct hostilities. Under the International Criminal Court's Rome Statute, it is a war crime for armed forces or groups to conscript or enlist children under 15, or to use them "to participate actively in hostilities." According to definitive interpretations of the statute, active participation in hostilities not only covers children's direct participation in combat, but includes activities linked to combat such as scouting and the use of children as decoys, couriers, or at military checkpoints.

## VIII. Amuda Protest, June 27-28, 2013

On June 17, 2013, Asayish forces in Amuda – a town of about 50,000 people – arrested three non-PYD political activists, Walat al-‘Umari, Sarbast Najjari, and Dersim `Umar. The reason given was drug use and trafficking, but Kurdish opposition groups considered the arrests political. To protest the arrest, opposition groups and supporters staged a protest at a tent in the town’s main square, which developed into a hunger strike.

On June 26, the Asayish released Dersim `Umar. Head of the Asayish in Amuda, Hamza Toheldan, told Human Rights Watch that he offered to release the other two men if the protest stopped.<sup>113</sup>

`Umar promptly joined the protest of about 300 people and used a megaphone to talk about his time in detention, several protesters separately told Human Rights Watch.<sup>114</sup> He complained about poor conditions and physical abuse. (Asayish commander Toheldan told Human Rights Watch that the three men were not abused.)

The protest continued the next day, June 27. The crowd marched down the main street toward the square when unexpectedly, around 7:00 pm, a convoy of YPG vehicles reached the main street from a smaller perpendicular road, the protest participants said. Asayish commander Toheldan and YPG spokesman Xelil said the convoy was coming directly from fighting with Islamist non-state armed forces at the Hasakah dam.<sup>115</sup>

According to protesters Human Rights Watch interviewed, the crowd blocked the YPG convoy and started shouting at the soldiers. A few of the vehicles in the convoy managed to turn right onto the main road, which leads to the square and then to Qamishli. The first vehicle, a sedan, accidentally hit and injured a young girl named Gulan, a protester who saw the accident said.<sup>116</sup> The girl has mostly recovered from a broken leg, he told Human Rights Watch.

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<sup>113</sup> Human Rights Watch interview with Hamza Toheldan, Amuda, February 10, 2014.

<sup>114</sup> Human Rights Watch separately interviewed five participants of the protest.

<sup>115</sup> Human Rights Watch interviews with Redur Xelil, Rmeilan, February 12, 2014, and Hamza Toheldan, Amuda, February 10, 2014.

<sup>116</sup> Human Rights Watch interview, name withheld, Amuda, February 11, 2014.

Two of the protesters Human Rights Watch interviewed said they saw some fellow protesters throw stones at the remaining vehicles on the side street, including one that hit and injured a female YPG member in the head.

At this point, some YPG fighters opened fire in the air with their automatic weapons while the remaining vehicles advanced onto the main road heading towards the square, the witnesses said. By now the crowd had dwindled to about 100 people.

The subsequent sequence of events is disputed. The Asayish and YPG claim that YPG forces came under fire from people in the crowd, killing a YPG soldier named Sabri Gulo, which provoked the YPG to respond with live fire from their positions on the main road. Participants in the protest interviewed by Human Rights Watch say that none of the protesters had weapons and the YPG shot without reason at the crowd. YPG fighter Sabri Gulo might have been killed during the fighting at Hasakah dam, they said. Both the protestors and the Asayish confirmed that in shooting at the crowd, the YPG killed a child, an elderly man, and a third man, and wounded about a dozen others.

One of the protesters explained what he saw:

The PYD forces were there and men threw rocks. The PYD opened fire around 8pm. They were very close to us. I called on the protesters to retreat. I ran and hid between a shop and a column. Bullets were hitting the column and the shop. They had mounted machine guns, automatic weapons, but they only fired Kalashnikovs at the protesters... When it stopped, I saw people on the ground.<sup>117</sup>

Another protester gave a similar account, though he said he did not see any protesters throwing rocks:

At first they [YPG] shot in the air, but this didn't scare us. After a while they shot at the ground. Then people started to move away. When that began a few people fell down...People were running. There was heavy

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<sup>117</sup> Human Rights Watch interview, name withheld, Erbil, November 29, 2013.

shooting.... When I ran away I looked back and saw lots of people falling down.<sup>118</sup>

Those killed at the protest were:

- Nadir Khalo, about 15 years old;
- Sa`id Sayda, about 18 years old;
- Shaykhmus `Ali, about 65 years old (did not participate in the protest).

Human Rights Watch also reviewed six videos that captured parts of the protest. Five of the videos were provided by sympathizers of or participants in the protest. The file properties indicate that they were all filmed on June 27, 2013. Two of these videos were also posted on YouTube. The sixth video was recorded by unknown people and provided to Human Rights Watch by the YPG.

One of the videos posted on YouTube shows four people throwing unidentified objects at the convoy after shooting had already started.<sup>119</sup> The other posted video shows a chanting crowd gathered around the convoy and then a YPG fighter shooting in the air, followed by more shooting, apparently from the convoy.<sup>120</sup> One of the videos not posted shows a convoy of at least five vehicles, including three pick-up trucks with mounted automatic weapons, turning onto the main street amidst heavy shooting from unknown sources. In none of the five videos are any of the protesters seen with a weapon.

In the video provided by the YPG, which is 5 minutes and 46 seconds long, the only people visible with weapons are YPG fighters from the convoy. They are seen shooting their weapons, apparently in the air, and some protesters can be seen throwing unidentifiable objects at the convoy while chanting “*shabiha, shabiha*” – a term that refers to the pro-Syrian government militia notorious for serious human rights abuses.

Towards the end of the video, most of the YPG vehicles are on the main road with an open path out of Amuda, and one fighter is shooting back toward the protestors. Other fighters

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<sup>118</sup> Human Rights Watch interview, name withheld, Kawargosk Camp, KRG, November 30, 2014.

<sup>119</sup> [http://www.youtube.com/watch?v=1Gy5cgYkPNM\\_](http://www.youtube.com/watch?v=1Gy5cgYkPNM_) accessed April 24, 2014.

<sup>120</sup> [http://www.youtube.com/watch?v=HwJR1Rhhqt4\\_](http://www.youtube.com/watch?v=HwJR1Rhhqt4_) accessed April 24, 2014.

on the main road—it's not clear from the video how many—stop their vehicles and also shoot at the protestors behind them.

YPG spokesman Xelil and the Asayish in Amuda gave Human Rights Watch three other videos that they claimed showed armed men in the crowd during the protest. Armed men are visible in the videos but Human Rights Watch determined on the basis of three factors that these videos were all taken during another demonstration in Amuda on March 27, 2013, when a group gathered to protest electricity cuts: first, the three videos show demonstrators wearing jackets, as opposed to the light shirts worn by the protesters in the June demonstration due to the warmer weather; second, two individuals are recognizable in the videos from March and June, and they are wearing different clothes; and third, the data in the videos provided by the Asayish indicate that they were recorded on March 27, 2013.

Human Rights Watch also inspected the area where the June protest and shootings took place. Bullet holes and marks on the buildings were consistent with the video and witness statements that YPG forces had fired back at the protesters from the main road.

The building on the northeast corner of the intersection had five bullet entry marks between two and seven feet high in the metal sheeting that covered the window and four exit marks on the other side. Based on the entry and exit marks, the shooter(s) apparently fired from about 100 meters away on the main road towards Qamishli. The building on the northwest corner had eight bullet impact marks between about half a meter and two meters high, again suggesting that the fire came from the main road.

## **The Aftermath: Shootings, Mass Arrests, Beatings**

Following the protest, security forces killed three more people in circumstances that remain unclear and the YPG arrested about 50 Yekiti party members and supporters who had gathered at a party office.

The first victim was Barzan Qarno, about 18 years old, who was shot and killed in a car around 8:30 p.m. on June 27 as he drove near the Asayish station in Amuda, protest participants told Human Rights Watch. Asayish commander Toheldan said that Qarno drove by the station and opened fire. The Asayish returned fire, and hit Qarno and one other man in the car, he said.

Around 11 p.m. that night, YPG forces raided a local office of the Yekiti Party across from the hospital and arrested roughly 50 male party members and supporters who had assembled there, the local party head and two party members who were present said.

The two party members, interviewed separately, gave consistent accounts of what took place.<sup>121</sup> Both men said the YPG stormed the office, forced those present to face the wall and searched the group for weapons. One of the men said the party had some automatic weapons in the office, but they were locked up before the YPG arrived. The head of the Yekiti Party in Amuda, Abdallah Gado, who was not present during the raid, said the party had a few “individual weapons in the office for our security.”<sup>122</sup>

During the raid, YPG forces went on the roof of the building and encountered a Yekiti Party member named Aras Bengo. Abdallah Gado and the two party members interviewed by Human Rights Watch said Bengo was unarmed and had gone to the roof to catch a mobile phone signal so he could call his brother abroad. The YPG shot and killed Bengo without provocation, they said.

The Asayish and YPG both countered that Bengo had tried to fire a weapon at YPG forces. “When he tried to use his weapon the YPG shot him,” Asayish commander Toheldan said. Human Rights Watch was unable to determine the circumstances of Bengo’s death.

The YPG then took all of the roughly 50 men to its base in nearby Himo, and placed them in a damp basement for one and half days, the two Yekiti party members, who were among those detained, said. During that time the detainees were verbally and physically abused and denied food and water, they said. One of the two detained party members whom Human Rights Watch interviewed explained:

They put us in a wet basement about four by four meters. They didn’t let us sleep that night. They gave us no water or food. It was the same the next day. We got water after a day and a half. Me and another guy were sick and very weak... Sometimes they came in the room and beat us. They forced us to

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<sup>121</sup> Human Rights Watch interviews, Amuda, February 11, 2014.

<sup>122</sup> Human Rights Watch interview with Abdallah Gado, Qamishli, February 10, 2014.

face the wall. It was dark, there were no lights, only a flashlight. We were standing against the wall and they beat us on the back and kicked us.<sup>123</sup>

The men said the YPG then moved the detainees to a cleaner room where they were interrogated by the Asayish, and released in small groups over the next 17 days. At no time were the men formally charged or informed of the reason for their arrest, the two men said.

“When they released us they said we’re not innocent,” the other detained party member said. “They said we’re prevented from leaving Syria and when we ask for you, you must come.”

YPG spokesman Redur Xelil told Human Rights Watch that the Yekiti Party activists had been detained “for provocation and for having weapons.” He did not deny the allegations of beatings but justified them because the abusers were from the same unit as the YPG fighter Sabri Gulo, who he said was killed in the June 27 incident. “It was an emotional reaction, nothing more,” he said.

Xelil said the YPG had conducted an internal investigation and removed the responsible individuals from the base at Himo. He did not say how many people were removed and where they have been transferred.

Head of the Asayish in Amuda, Hamza Tolheldan, said the Yekiti Party was the main organizer of the protest on June 27, and that the party had an armed group called the Tahsin Mamo Battalion. Head of the Yekiti Party in Amuda, Abdallah Gado, told Human Rights Watch that his party had previously disbanded that armed group. Tolheldan said the YPG arrested 53 people from the party office, 51 of them from the Yekiti Party, one from the Progressive Party and one from another party. They found five AK-47s in the office, he said.

The violence continued the next day, June 28, when YPG forces deployed in Amuda and arrested dozens of people. According to protesters Human Rights Watch interviewed, security forces set fire to two offices of the KDPS and one office of the Azadi Party.

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<sup>123</sup> Human Rights Watch interview, name withheld, Amuda, February 11, 2014.

That day a sixth man, Ali Randa, about 30, was shot and killed in Amuda by either the YPG or Asayish, participants of the June 26 protest said. The circumstances of his death remain unclear.

## The PYD's Position

The PYD has offered various explanations for what happened in Amuda. A statement issued in July 2013 accused an “unknown armed group” of laying an ambush for the YPG in which one YPG fighter was killed and several were wounded.<sup>124</sup> In the ensuing fighting, four members of the armed group and two civilians were killed, the YPG said.

In September 2013, the PYD responded to the August UN Commission of Inquiry on Syria report, which had accused the YPG of using disproportionate force against the protesters, killing “several” of them, including two children, after protesters threw rocks and bottles at the convoy.<sup>125</sup> The PYD said the convoy had come under premeditated attack, which killed one fighter named Sabri Gulo and wounded two others.<sup>126</sup>

The PYD said the attack “pushed the fighters to use unregulated, uncontrolled and excessive responses.” As a result, an investigation was conducted, which “held accountable those who were negligent.”

Two senior PYD officials, Salih Muslim and Cafer Hanan, told Human Rights Watch that, after coming under attack, some fighters in the convoy used excessive force. “I believe the response was not right at all because they fell into the trap of a few young people,” Hanan said.<sup>127</sup> According to Muslim, “some [YPG fighters] started to open fire, which they shouldn't do.”<sup>128</sup>

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<sup>124</sup> Executive Committee of the Democratic Union Party, “A response to the US State department's statement regarding the situation in Amude , Syria,” July 3, 2013, <http://pydrojava.net/eng/index.php/pyd-statements/10-a-response-to-the-us-state-department-s-statement-regarding-the-situation-in-amude-syria>, accessed June 9, 2014.

<sup>125</sup> Human Rights Council, Report of the independent international commission of inquiry on the Syrian Arab Republic.

<sup>126</sup> Rodi Khalil, “The Message of the People's Protection Units,” Rodi Khalil Blog, October 4, 2013, <http://rodikhalil.blogspot.nl/2013/10/the-message-of-peoples-protection-units.html>, accessed on May 21, 2014.

<sup>127</sup> Human Rights Watch interview with Cafer Hanan, Suleimaniya, Iraq, December 2, 2013.

<sup>128</sup> Human Rights Watch interview with Salih Muslim, Brussels, Belgium December 9, 2013.

YPG spokesman Redur Xelil gave further details. He said the killed YPG fighter, Sabri Gulo, was shot after the convoy had turned and stopped on the main street. At that point, the YPG returned fire. “They opened fire after some people opened fire on our forces,” he said. “It was a sudden reaction but the target was not civilians.” He added: “If, right next to you, your comrade was martyred, what do you expect their reaction to be? It’s hard to control the situation.” Xelil said the YPG conducted an internal investigation and found that some fighters had improperly fired their weapons, but no one was punished.

Amuda Asayish commander Toheldan, who was also a part of the Asayish’s investigation into the case, gave a similar account. “The first martyr was YPG but after he was hit they fired back and perhaps randomly,” he said. “Most of the victims were civilians who were just passing by.”

By the YPG’s own admission, its forces used excessive force against the protesters on June 26. Based on the witness statements, videos and inspection of the site, the YPG may have also opened fire without having come under fire.

Human Rights Watch called on to the PYD to allow a truly independent investigation into the unlawful shootings during and after the protest, and to hold accountable those responsible for using excessive or unlawful force.

## IX. Legal Standards

The PYD-run governing bodies in Afrin, Ain al-Arab and Jazira are not the official state authority of Syria. However they have been the de facto governing bodies of the three areas since 2012 and are therefore required to respect international human rights law and international humanitarian law. This includes prohibitions on torture, arbitrary detention, and the use of child soldiers, and obligations to hold fair trials before regularly constituted courts.

The constitutional document of the PYD-run areas, the Social Contract, states that international human rights covenants and conventions form “an essential part and complement this contract” (article 20). The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are also considered an “integral part” of the contract (article 22).

The Office of the UN High Commissioner on Human Rights has set out the obligations of de facto governing authorities:

Concerning international human rights obligations, the traditional approach has been to consider that only States are bound by them. However, in evolving practice in the Security Council and in the reports of some special rapporteurs, it is increasingly considered that under certain circumstances non-State actors can also be bound by international human rights law and can assume, voluntarily or not, obligations to respect, protect and fulfill human rights. For instance, the Security Council has called in a number of resolutions on States and non-State armed groups to abide by international humanitarian law and international human rights obligations.<sup>129</sup>

The OHCHR continues:

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<sup>129</sup> “International Legal Protection of Human Rights in Armed Conflict,” Office of the High Commissioner on Human Rights, 2011, page 24.

Therefore, it is clear that the application of human rights standards to non-State actors is particularly relevant in situations where they exercise some degree of control over a given territory and population. Taking into account that international human rights law aims at providing rights and protections that are considered to be fundamental for the human being, non-State armed groups are increasingly called upon to observe human rights protections, albeit in a manner that is in accordance with the particular situation on the ground. Indeed, the assumption of international human rights responsibilities by non-State actors is seen as a pragmatic recognition of the realities of a conflict, without which rights holders would lose out on any practicable claim to their human rights.<sup>130</sup>

To the extent it is a party to an armed conflict in Syria, the PYD's armed wing, the YPG, is bound by international humanitarian law (the laws of war). This includes prohibitions on convictions and sentences without a fair trial by a regularly constituted court that afforded all essential judicial guarantees.<sup>131</sup> Depriving a person of the right to a fair trial is a war crime.<sup>132</sup>

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<sup>130</sup> Ibid, page 25.

<sup>131</sup> ICRC, Customary IHL database, Rule 100; Common article 3 of the Geneva Conventions.

<sup>132</sup> ICC Statute, Article 8(2)(c)(iv).

# Appendix I

*(As provided by the Democratic Union Party, PYD)*

## Charter of the Social Contract

### *Preface*

We the peoples of the areas of self-administration of Democratic Kurds, Arabs and Assyrians (Assyrian Chaldeans, Arameans), Turkmen, Armenians, and Chechens, by our free will have announced this to materialize justice, freedom and democracy in accordance with the principle of ecological balance and equality without discrimination on the basis of race, religion, creed, doctrine or gender, to achieve the political and moral fabric of a democratic society in order to function with mutual understanding and coexistence within diversity and respect for the principle of self-determination of peoples, and to ensure the rights of women and children, the protection defense and the respect of the freedom of religion and belief.

The areas of the democratic self-management, do not accept the concept of state nationalism, military and religious. It accepts the centralized management , central rule and it is open to the forms of compatibility with the democratic and pluralistic traditions, to enable all social groups, cultural identities, the Athenian and national to express themselves through their organizations, and respect the Syrian border and human rights charters and preserve civil and international peace. And to carry out the articles of the social contract , and to construct the democratic society through the self-management which includes the social justice, and in order to build the civil society, all the goals of the consistent of Kurds, Arabs, Assyrians, Armenians, Chechens and others, the democratic self-management society have united according to the basis of unity in diversity, and has agreed to the will of the rest of the Syrian People's constituents in order to make the areas of the Democratic Self-Management within the democratic multiple Syria as a political and administrative system for society and to represent this will and achieve these goals we have put and clarified this contract.

## *Part One*

### **General Principles**

#### **Article 1:**

This contract is called the Charter of Social Contract to the democratic self-management (in the provinces of Al Jazera – Koubany – Afrin), the preamble to the social contract of democratic self-management is an integral part of this contract.

#### **Article 2:**

- A. people are the source of authorities and the sovereignty exercised through institutions and elected assemblies, and not to any contradiction of the social contract of the democratic self-management.
- B. The source and basis of the legitimacy of the people's councils and administrative bodies in society is based on the democratic principle and does not account for any individual or unique group in its location.

#### **Article 3:**

- a. Syria is a free democratic independent country, with a pluralistic, federal parliamentary compromise system.
- b. Provinces of democratic autonomy are (Al-Jazera , Kobanay, Afrin) and they are part of Syria geographically .The city of Qameshlo is the center of the democratic autonomy in Al-Jazera province.
- c. The Province of Al-Jazera is shared among Arabs, Kurds, Assyrians, Armenians, Chechens, and adherents of Islam, Christianity and Azidet. The relationship between the nationalities and religions is on the principle of fraternity ,partnership and coexistence.

### **The Structure of the Democratic Autonomy in the Province**

#### **Article 4:**

- 1- The Legislative Council; 2-The executive council; 3-The judicial council; 4-The higher commission of elections
- 2-The Supreme Constitutional Court; 5-The local councils

**Article 5:**

The city of Qamishlo is the centre of Al-Jazera district and its administration.

**Article 6:**

All members and democratic autonomies are equal in front of the law in their rights and duties.

**Article 7:**

Any city or geographical area in Syria has the right to join the democratic autonomy county, after accepting the Social Contract.

**Article 8:**

All the provinces of The Democratic Autonomy have the right in directing the local affairs and form its administration and departments by its own free will, and exercise all rights in a manner consistent with the articles of the social contract of democratic autonomy.

**Article 9:**

The official languages of Al-Jazera province is Kurdish, Arabic, Assyrians with ensuring education for children of other components in their mother tongue.

**Article 10:**

The Democratic self-administration departments bind not to interfere in the internal affairs of other States, and take into account the principles of good neighborhoods and work on solving conflicts peacefully.

**Article 11:**

Areas of Democratic Autonomy have a flag, a logo and an anthem which are defined by a law.

**Article 12:**

This administration is a model of the administration of the democratic autonomy in Syria, and is part of the future Syria which must be based on the system of political decentralization, considering that federalism is the best political system for Syria, and regulating the relationship between the Department and the Centre on this basis.

## *Part Two*

### **Basic Principles**

#### **Article 13:**

This contract ensures the principle of the separation of legislative, judicial and executive authorities.

#### **Article 14:**

Based self-administration binds the principle of transitional justice by removing all the projects and policies of discrimination against the population of the Department, left by successive Governments and dictatorships, and compensate them fair compensation.

#### **Article 15:**

People Protection Units is the only national institution responsible for defending the territorial integrity and sovereignty of the provinces, and is serving people's welfare, and the protection of its national security, taking the legal right as a principle and defining its mission and its relationship with the central forces act according to a law taken by the Legislative Council of the Autonomous provinces, supporting civil departments to face any serious internal security public order if necessary. And issuing orders to units by the General command of the people's protection units.

The areas of The Democratic self-management has the internal body represented by the public administration of Asayish.

#### **Article 16:**

The text prohibits laws to fortify any act or administrative decision of judicial oversight.

#### **Article 17:**

The Charter of the social contract ensures that the effective participation of youth in political and administrative life is ensured in all laws.

#### **Article 18:**

There is no crime and no punishment without a legal text.

**Article 19:**

There is no tax and no draw without a legal text.

**Article 20:**

The Covenants and international conventions for human rights are an essential part and complements this contract.

*Part III***Rights and Freedoms****Article 21:**

The self-management ensures the human rights and his supreme values in accordance with the international covenants and conventions, and considers freedom the most precious thing that human individuals and groups own

**Article 22:**

The Department adopts the International Bill of human rights, the International Covenant on Civil and political rights and the cultural, social, economic and other relevant instruments as an integral part of this Charter.

**Article 23:**

- A. All have the right to life according to the birth identity (ethnic, religious, ideological, traditional sexist, cultural, linguistic ).
- B. Everyone has the right to life which is commensurate with the environmental balance in the community.

**Article 24:**

Every individual or group has the freedom of opinion, thought, conscience, and expression of itself, as long as they do not exceed the ethical community structure and does not endanger civil peace and do not aim at exclusion and hegemony.

**Article 25:**

- A. The personal liberty is inviolable and no one may be arrested.
- B. Human dignity shall not be tortured mentally or physically and that who does that will be punished himself.

Providing a decent life for the prisoners to make prison a place for rehabilitation and reform not a place for punishment.

**Article 26:**

The right to life is fundamental and inviolable in this contract under which the death penalty is abolished.

**Article 27:**

Women have the right to exercise political, social, economic, cultural and all areas of life.

**Article 28:**

Women have the right to organize themselves, and eliminate all forms of discrimination on grounds of gender.

**Article 29:**

This contract ensures the right of children, prevent child labour, exploiting and torturing them psychologically and physically, and marrying them at a young age.

**Article 30:**

This contract guarantees every citizen:

1. The right to security, safety and stability.
2. Free and compulsory education at the elementary level .
3. The right to work and adequate housing, social security and health.
4. The protection of motherhood and childhood.

5. Ensuring the health and social care for disabled people, the elderly and people with special needs.

**Article 31:**

All citizens have free religion and belief, and should not be politicized and used as a tool to instigate and sow discord.

**Article 32:**

- A. This contract ensures the right to form parties and associations, trade unions, civil society organizations and membership in accordance with the laws governing them.
  - This contract ensures the protection of social and cultural diversity of the population management, and enriches the culture of social and political freedoms and of economic activities.

The religion alazidet is a religion by itself and is followed only the right to rate regulation of social life, religious and personal status laws.

**Article 33:**

This contract guarantees freedom of media, press, publishing, and organizes its work.

**Article 34:**

Citizens have freedom of expression and peaceful protest and strike in accordance to the law.

**Article 35:**

Everyone is free to access to information, knowledge and artistic activities.

**Article 36:**

Everyone has a right to vote and to stand for all organizations, institutions and this shall be regulated by a law.

**Article 37:**

Every human being has the right to seek asylum and refugee politics, and he may not be returned without his consent.

**Article 38:**

This contract guarantees the principle of equal opportunities for all citizens of democratic autonomy.

**Article 39:**

Wealth and natural resources are public wealth of the society and its investment and management and treating conditions are regulated by a law.

**Article 40:**

Land and public properties in the areas of democratic autonomy belong to people and how to deal with and invest them is regulated by a law.

**Article 41:**

Everyone has the right to own property and private possession is protected, and nobody is deprived one dealing with it except in accordance with the law and it is not eviscerated except for the public benefit requirement but under the condition of compensation, fair compensation if he leaves his property.

**Article 42:**

The economic system in the areas of democratic autonomy works on an equitable and sustainable global development based on the development of scientific and technological capabilities, which aim at ensuring the humanitarian needs and ensure a decent standard of living for all citizens, through the increasing production and efficiency, and ensure a participatory economy while promoting competition in accordance to the principle of democratic autonomy "Each according to his work," and prevent monopoly and apply social justice, ensuring the shapes of the national ownership of the means of production, and preserving the rights of workers and consumers, protecting environment and strengthening the national sovereignty.

**Article 43:**

Every citizen has the right to move and emigrate and the freedom to travel.

**Article 44:**

Enumerating the rights and freedoms in this contract should not be interpreted that it had been limited.

*Part IV*

**The Project of the Democratic Autonomy**

**The Legislative Council**

**Article 45:**

The Supreme Legislature in the democratic autonomy, is elected by the people by direct, secret ballot, and the duration of the course is / four / years.

**Article 46:**

The first meeting will be held on the 16th day following the announcement of the final results in all areas by the higher Commission of elections and the President of the temporary Executive Council convened the first meeting of the elected Legislative Council, and if the first meeting is not held for compelling reasons, the President of the temporary Executive Council determines another date to be held during fifteen days, and the quorum will be attained by (50 +1) attendants (fifty plus one) of the total, and the oldest member of the Legislative Council chairs the first meeting where the sharing presidency and the co-chairs and are elected. The meetings are public unless necessity demands another thing according to what its rules of procedure stipulate.

**Article 47:**

The number of members of the Legislative Council is one member for every fifteen thousand population representing all regions, towns and villages in the areas of self-management, in proportion not less than 40% (forty percent) of the sexes according to the election law which takes into account of the positive discrimination of Syriac component representation, and the representation of youth in the election lists.

**Article 48:**

1. No member of the Legislative Council elected has the right to run for more than two consecutive terms.
2. Legislative Council may be extended in exceptional cases at the request of one quarter of the members or at the request of the Office of the President of the Council for six months and with the consent of two thirds of the members of the Council.

**Article 49:**

The voter age is not less than eighteen years, and the age of a candidate for Parliament is not less than 22 years, and conditions for candidacy and election are set in accordance to a special law.

**Article 50:**

The member of the council enjoys the parliamentary immunity during the time of his membership, and is not asked about the opinions he shows, and he may not be prosecuted legally without the authorization of the Council, except in case of flagrante crime and informing the Office of the Council.

**Article 51:**

The combination with the membership of the Council and any public, private, or any other profession is not allowed, and his job is suspended once he makes the constitutional oath, and he has the right to return to his job once his membership ends with retaining his full functionality rights.

**Article 52:**

For each of the provinces of the autonomous local councils are formed through direct elections.

**Article 53:***The Functions of the Legislative Council*

- Establish rules governing the work of the Council and restructuring it.

- Enact legislation and proposed regulations from the local committees and councils and organizations.
- Control over administrative and executive bodies and questioning them.
- Ratification of international agreements and treaties.
- Grants and no confidence in the Executive Council or one of its members.
- The Declaration of a State of war and peace.
- Ratification of the appointment of members of the Supreme Constitutional Court.
- Adoption of the general budget.
- Establish general policy and development plans.
- Approving and granting amnesty.
- Adoption of the statement by the Executive Board.
- Identify areas of democratic autonomy and the relationship between them and the Centre by a law.

## *Part V*

### **The Executive Council**

#### **Article 54:**

##### District Governor

- A. The provincial Governor and the Executive Council of democratic autonomy exercise the executive authority on behalf of the people within the limits set forth in the Charter of the social contract.
  
- B. The candidate to the post of Governor of the province requires:
  1. to be thirty-fifth-year completely.
  2. to be Syrian and of the citizens of the regions of the province.
  3. to enjoy civil rights and is governed by an offence prejudicial to honor and value received.
  
- C. To run for the Governor of the province is as follows:

1. The President of the Legislative Council elected invites for the election of a Governor after the first meeting of the Legislative Council by 30 days.
2. Requests for nomination are applied to the Supreme Court, and are examined and a decision on their acceptance or not acceptance is put within 10 days after the deadline of registration.
3. The Legislative Council shall elect the Governor, the winner, the candidate who gets the position (50 + 1) of the number of members of the Legislative Council.
4. If no candidate receives the required majority is competition among the candidates obtaining the highest number of votes and a Governor who gets the most votes on the second ballot.
5. The term of Governor is four years from the date of its legal oath.
6. The Governor's says the legal oath in front of the Legislative Council before exercising his functions.
7. The Governor called one Deputy or more, authorizing him, lead attorney oath before Governor after the legislature.
8. If anything prevents the Governor to continue the exercise of his functions, one his deputies represents him.
9. In case the governor's and his two deputies are empty for any reason, his tasks are given to the sharing presidency of the Legislative Council.
10. The Governor resigned in a letter addressed to the Legislative Council.

D. The ruler's authorities and functions

1. The ruling ensures respect for the Charter of the social contract and the regular work of the public authorities and the protection of the national unity and sovereignty.
2. The Governor has to name the President of the Executive Council.
3. The Governor shall approve the laws approved by the Legislative Council, and issue decisions and orders and decrees in accordance with the law.
4. The Governor has to invite the newly elected Legislative Council to convene within fifteen days from the announcement of the election results.

5. The Governor has to grant medals.
  6. The Governor has to declare a special forgiveness on the recommendation of the Executive Board.
- E. The Governor is responsible in front of the people through his representatives in the Legislative Council. And the Legislative Council has the right to submit him to the Supreme Constitutional Court in the case of treason or onto an offence prejudicial or integrity desalination.

### **The Executive Council**

The Executive Council is the highest executive and administrative body in the Democratic self-management and is responsible in front of the Legislative Council in its scope and the implementation of the laws, resolutions, decrees issued by the Legislative Council and judicial institutions and coordinates work among the organizations of the self-management.

#### **Article 55:**

The Executive Council is consisted of a Chairman and a number of the Deputies and organizations.

#### **Article 56:**

The party or bloc winning a majority of seats in the Legislative Council are asked to form the Executive Council within one month from the date of assignment, and has to obtain the confidence of at least (50 + 1) of the members of the Legislative Council.

#### **Article 57:**

The Executive Council's term is four years and it cannot take more than two consecutive terms.

#### **Article 58:**

The President of the Executive Council may choose some advisers of the Legislative Council.

**Article 59:**

The Chancellor is the head of one of the bodies in the Executive Council.

**Article 60:**

The formation and organization of the work of the Department and the determination of the relationship between the departments and the other organizations is done in accordance with a law.

**Article 61:**

After the formation of the Executive Council and granting the trust it issues a report setting out its agenda for the next phase, and it is obliged to implement it during the session of the Executive Council after an approval by the Legislative Council.

**Article 62:**

The selection of staff in special grades of agents and representatives of democratic autonomy is done through the nomination of the competent authority and the approval of the Executive Council and the Legislative Council.

**Local Administration Councils**

1. The districts of the democratic autonomy are consisted of administrative units and are preserved by the management and make the necessary adjustments when necessary.
2. The organization of the local administration units is based on the application of the principle of decentralization of powers and responsibilities, and shows the relationship of these units with the law of the administration of the province and the financial revenues and control over their work, as well as the manner of appointment or the election of its Presidents and their specializations and the specialisations of the Chairmen of its affairs.
3. Local administration units have to elect the councils, secretly and directly.

*Part VI*

**The Judicial Council**

**Article 63:**

The independence of the judiciary is the base of justice and represents the conscience and morals of society and ensures speedy disposition of cases by the competent courts.

**Article 64:**

The accused is innocent until proven guilty by a court concluded.

**Article 65:**

Gender representation in all institutions of the Judiciary Council is of not less than 40% (forty %).

**Article 66:**

The right of defense is sacred and inviolable at all stages of an investigation and trial.

**Article 67:**

The judge may not be removed unless by a decision of the Court of Justice.

**Article 68:**

Judgments and judicial decisions are issued on behalf of the people.

**Article 69:**

A refrain from execution or implementation of a crime punishable by law.

**Article 70:**

Not trying civilians in front of military courts, and creating special or private courts.

**Article 71:**

No violation of housing and special places may not be searched except by judicial authorization.

**Article 72:**

Everyone has a right to a fair and public trial.

**Article 73:**

Detain personal freedom without clues is an offence punishable by law.

**Article 74:**

For each of the error or omission damaged as a result of the staff of the departments and institutions and administrative bodies while observing their right to claim equitable compensation in front of the competent courts.

**Article 75:**

The Judicial Council is regulated by law.

*Title VII***The Higher Commission of Elections****Article 76:**

It is an independent body competent to regulate the deserving of public affairs and composed of a number of members in each province consisting of 18 members appointed by the Legislative Council.

1. Decisions of The higher Commission of elections are made by eleven votes.
2. The members of this body cannot candidate for the Legislative Council.
3. The higher Commission of elections election determines the dates and posting of elections, and receives requests of candidate for the Legislative Council who meet the requirements for nomination.
4. The Commission considers, as indicated in article 50 on the candidate to the Legislative Council for the purpose of certification of candidates, a judicial authority decide on election appeals submitted to it.

5. The work of the higher Commission of elections is done under the supervision of the Court and representatives of civil society organizations and observers from the United Nations if possible.
6. The High Commission invites candidates to the Electoral College at a determined declared date by this Commission, and declaring the accepted names for nomination of representatives of regions and localities to the Legislative Council, under the supervising of the Commission itself, assisted by the (Court of Justice).

### *Section VIII*

#### **The Supreme Constitutional Court**

##### **Article 77:**

- A. It consists of seven members, one of whom is a Chairman, proposed by the Presidency of the Legislative Council, and their competence, experience and integrity of judges, law professors and lawyers, with practical experience not less than fifteen years.
- B. It is not permissible to combine membership of the Supreme Constitutional Court and took the Executive or legislature, the law specifies other acts which cannot be combined with the membership of the Court.
  - c-The duration of the membership of the Supreme Constitutional Court is four years renewable once.

##### **Article 78:**

##### The functions of the Supreme Constitutional Court

1. The interpretation of the principles of the Constitution.
2. Consideration of the constitutionality of laws enacted by the Legislative and Executive Councils decisions.
3. Disputes concerning the application of this Constitution between the legislative, judicial and Executive.
4. Trialing the provincial Governor and any member of the Legislative and the Executive Councils in case of breach of any principle of this Charter.
5. Taking its decisions by majority vote.

**Article 79:**

A Supreme Constitutional Court Member cannot be dismissed except only because of the integrity, and the court has a law regulating its functioning.

**Article 80:**

The Supreme Constitutional Court has the observation on the constitutionality of laws as follows:

1. Consideration of the constitutionality of the law and in accordance with the following:
  - A. If 20% of Legislative Council members object on the constitutionality of a law before its promulgation, this stops it until the Court deals with it at a period of fifteen days from the date of registration of the objection, and if the law is characterized by urgency the Court shall take a decision within seven days.
  - B. If 20% of Legislative Council members object on the constitutionality of a legislative decree within fifteen days following the date of submission to the council, the Court will take a decision within 15 days from the date of the registration of the objection.
  - C. If the Court decided to break the law or decree and regulations of the Constitution, it will be void as contrary to constitutional texts retroactively, and without any effect.
2. Consideration of the constitutionality of law and decision in accordance with the following:
  - A. If an opponent in challenging the constitutionality of provisions of the law applied by the Court is in question with its decision, the Court of appeal has to order a new payment and requires to decide on the appeal, suspending the proceedings and referred to the Supreme Constitutional Court.
  - B. The Supreme Constitutional Court decision on payment within 30 days from the date of entry.

## *Part IX*

### **General Rules**

#### **Article 81:**

This contract is implemented in the transition phase of the self-management, which is modified by the approval of two thirds of the members of the Legislative Council.

#### **Article 82:**

This contract is displayed on the Provisional Legislative Council for discussion and endorsement.

#### **Article 83:**

Neither of the other nationality can serve as Governor and Chairman of councils and Councilors and members of the Supreme Constitutional Court.

#### **Article 84:**

This contract ensures that an appropriate solution to the consequences of decisions and decrees and special laws with a law.

#### **Article 85:**

Elections to form the first Legislative Council under this contract is carried out after four months from the date of the approval and ratification by the Provisional Legislative Council and it has the right to extend this period, taking into account the circumstances.

#### **Article 86:**

##### *The Constitutional Oath of the Democratic Autonomy*

I swear by Almighty God to respect the Charter of the social contract and its laws, and to keep the welfares of the people and their freedoms and safeguard the safety and security of areas of the democratic autonomy, freedom and right of protection, and to work to achieve social justice in the belief of the democratic nation.

**Article 87:**

The proportion of the representation of both genders in all institutions, administrations and bodies is of at least 40%.

**Article 88:**

The work with the current Syrian Ordinances (criminal and civil) in a manner consistent with the provisions and articles of this contract.

**Article 89:**

In case of a conflict between the laws of self management and central management the Supreme Constitutional Court for the province considers that and applies the law of the fittest for self-management.

**Article 90:**

This contract ensures the protection of the environment and improves the participation of citizens and considers the preserve of the environment as a moral and a sacred national duty.

**Article 91:**

The new curriculum removes policies of exclusion, chauvinistic and racist concepts and turnover in notions of enriching human and tolerance values, and promotes the concepts of cultural and social diversity.

- A. The new curriculum includes the definition of districts, their people, history, geography, landmarks and wealth.
- B. Strengthen curricula, the media and the scientific institutions of human rights culture and scientific culture.

**Article 92:**

- A. This contract includes the concept of separation of the State and religion.
- B. The freedom of belief is absolute and respect all religions and sects and guarantees freedom of worship under the protection of, that is not in breach of public order.

**Article 93:**

- A. A balanced development of the regions culturally, socially and economically a cornerstone of unit administrative institutions and the stability of the system.
- B. The illegality of any contradiction Charter live together.

**Article 94:***Emergency*

The Governor of the provision declares the state of emergency and cancels it with a decision at the Executive Council made in the meeting chaired by the Executive Council by a two-thirds majority of its members and has to expose it to the Legislative Council in its first meeting for authentication and the law shows the special rules for that.

**Article 95:***The Executive Council Bodies*

1. The body of the external relations.
2. The body of defence and self-protection
3. The internal body
4. The body of Justice
5. The local and municipal governing body's committee of statistics and planning
6. The body of financial authority: followed by a General Secretariat for banks 2 – Secretariat General of customs
7. The body of employment and Social Affairs
8. The body of education
9. The body of agriculture
10. The body of energy
11. The health authority
12. Trade and economic organ
13. The martyrs' families body
14. The culture and the media body

15. The transport body
16. The youth and sports authority
17. The environment, tourism and antiquities
18. The religious affairs authority
19. The women's and Family Affairs Authority
20. The Commission on human rights
21. The communications body
22. The body of provisions

**Article 96:**

This contact should be published in the media.

# Appendix II

## YPG Rules of Procedure

*(Human Rights Watch translation)*

### Section 1

#### Article 1:

Name of the organization: YPG in itself is the most powerful faction in Western Kurdistan. Its military organization is known under the name of the People's Protection Forces (YPG).

#### Article 2:

The symbol (or flag) of the YPG is yellow in the background with a red star in the center. On the bottom, YPG is written in green letters. To the left and right of the star, are green lines.

#### Article 3:

The goals of the YPG revolve around a democratic state, the environment and the freedom of the sexes. To build a democratic Syria and Kurdistan. To preserve the morals and the politics of the people. This document should be taken as a basis of self-regulation. In specific regarding the Kurdish people of Western Kurdistan without any religious, language, or gender discrimination. The parties should work towards national and democratic reconciliation. The goal is to reach freedom for all nationalities in Syria and to allow for self-government in Western Kurdistan. It is a priority to protect the people and stopping all sorts of external or internal disruptions of the territory. This is what the YPG stands for; it is not associated to any political party, only to protect. National interests would be subject to the decisions of the Supreme Kurdish Council.

### Section 2

#### Article 4:

*The Mechanisms of Regulation within the YPG*

1. The YPG is self-regulating, falling under a general council as well as local ones. This council is made up of three centers, which are: Jazeera, Kobani, and Afrine.
2. The Supreme council of the YPG is the military council which should convene once a year. In case of emergencies it may also be assembled. In the meetings, the

accomplishments of the past year are recorded and a plan for the upcoming year is formulated.

3. The military council: the YPG is composed of 55 people who meet every 6 months and it is responsible of all actions of the YPG.
4. The general council: is responsible for the daily activities of the YPG and to enforce all decisions of the military council, they have to make and stick to a fixed plan.
5. The local military council: it is linked to local decisions and works based on these, it also serves as a seat for several council members, depending on the size of the center. It should meet up every 3 months.
6. The YPG is made up of 3 main branches: the regular forces, the resistance forces and the local forces.
7. It works based on the orders, decisions teachings of a democratic center. And the suggestions by the subsidiary council given that the general council agrees with them.
8. Each fighter is set and defined by opinions and orders. With the knowledge of the council, the forces arise by the size of the space.

#### **Article 5:**

##### *Membership of the YPG*

1. A member of the YPG: is based on the credibility and honesty to preserve the national interest of the Kurdish people. And the national interests in an effective, moral manner preserving a democratic society and must join voluntarily.
2. All Syrian citizens above the age of 18 that accept and agree with the principles of the YPG after military and ideological training, and after proving their capability, they may become a member of the YPG.
3. Terminating the membership with the YPG: Any member of the YPG that breaks the rules of war, and regulations is, after a formal decision has been taken, removed from membership any person who does not agree with the specifics of the YPG principles will also be removed.
4. The membership branch of the YPG: based on the social, democratic principle of gender freedom from inside a democratic Syria and free Kurdistan. Based on the

principles to preserve political morality without differentiation of religion, language and ethnicity, nationality, gender, party affiliations and against any external attacks. Based on an understanding to protect the integrity and internal rules of the YPG, outside the scope of personal interests and I am in all boldness stating the decision to join the organization despite of all hardships and the will and strength taking this into consideration, in the eyes of Kurdistan and the Kurdish people and all supporters etc.

### Section 3

#### Article 6:

##### *Personal Qualities of the YPG*

1. It is characterized by knowing the revolutionary national democratic life and balance, freedom equality and building a moral and political society.
2. The value of protecting the people
3. Knowing the people's culture and heritage and the sensitivities of the people such as ancestry, gender, and ethnicity and to work based on this.
4. It acquires basic services of the people and gives the values in basic training.
5. They are trying to teach the people in moral matters and creating awareness on the basis of preserving and regulating their activities in a conscious manner.
6. YPG does not work based on riches because it draws from within the people and distances itself from all forms of individual interests and regional or tribal family associations.
7. They know their stances and are determined to stand by them, while gaining respect from the people.
8. It is founded on democratic ideologies and gender freedom so they reject gender discrimination within the society.
9. They are open to criticism and radical change.
10. They are against all discrimination based on family, religion, political affiliation within the local community; they are the sole judicial authority based on nationalism and democratic thought.

## **Section 4: Regulating wings of the YPG**

### **Article 7:**

Regulating the women:

1. Within the YPG, women self-regulate.
2. Gender representation is at 40%
3. The female forces are responsible for the protection of women in Western Kurdistan.
4. The women in the YPG are responsible for fulfilling the YPG principles in their councils.
5. The appointment of definition of the female forces in the YPG is done by the female council.

### **Article 8:**

The council of the academies

1. The general council of the YPG: given the internal rules and inside the military council, that were trained will be part of the academic council.
2. The academy leaders: linked to the general council of the YPG, it is self-regulating and does so through sub-assemblies the academies are called (Martyr Khabat Military Academy) and the female academies are called (Academy of the Martyr Shilan).
3. The training comprises political and military training based on democratic, nationalistic and free life to acquire moral principles.
4. The training in the academies is conducted in a strategic manner, taking into consideration the protection of this project including technical skills and military tactics.
5. The military academies of martyr Khabat: the candidates joining the YPG find professionals who will send them to courses where they will learn the skills and requirements of the council to open the courses.
6. The academies of the martyr Khabat are led like a military academy and self-regulate from all sides and the establishment of such a branch is needed.
7. As part of the academies, specialized courses will be given on heavy weaponry, mines and sniping etc.

### **Article 9:**

#### Border units (border council)

1. It is based on border outposts and among the military branches. (block)
2. The regulation of the brigades is done from within 3 control centers. Each center represents a platoon.
3. Border units are responsible for searching and monitoring the border.
4. The border control units are forbidden from using phones except for council communications which are done through cellphones.
5. Only specific points on the border are meant to be crossed, no one is allowed to give the permission to cross.
6. If there are any attempts to cross the border, an investigation should be launched, goods confiscated and the goods as well as people should be transferred to those responsible.
7. At border posts, there are necessary works.
8. The border control develops its own educational and life program.

### **Article 10:**

#### The living institution (logistics)

1. The council of the logistics is responsible for ensuring the needs are covered.
2. The main goal of the logistics council is to supply the needs of the military council and the army units.
3. The logistics institution is based in the square and distributes based on the needs of the branches.
4. The logistics institute will work within their budget, any additional funding that is needed must be agreed upon by the high council.
5. They must collect and buy all supplies before distributing them distributing them in a meaningful way without allowing for any materialistic ambitions to arise.
6. This practice should be founded on communistic and democratic principles; it should be regulated logically and systematically.
7. Supplies should always be stored 6 months in advance.

**Article 11:**

The institute of record archives.

1. The record archives: it is regulated by the YPG council; it should register all records on the forces in a logical and systematic way.
2. It works in all centers of councils and it sends the records of the fighters to the archive centers in the general council headquarters.
3. The record archives: registers the specialized military ID of every member in his specific file.
4. The media/ information work is also regulated under this.
5. All archival works are secret and confidential; no one should have access to them.

**Article 12:**

The institute for ammunition and gear

1. This institute is founded in the council headquarters and the branch centers.
2. The institute is responsible for storage, registration and protection of gear and ammunition.
3. The ammunition and gear depot distributes based on necessity, this institute is responsible for the protection of the goods.
4. I should be prepared for any outbreak of war by storing the ammunition and gear based on this and it should not waste the supplies.
5. The centers limit the amounts they buy and the institution must stay in contact with the centers.
6. The ammunition and gear must be distributed based on the needs of the forces and council which are set beforehand by those responsible.

**Article 13:**

Funding

1. The financial institution regulates itself under the ceiling of the general council and is responsible for the fiscal policy.
2. It is responsible for checking all exports and imports.

3. It is responsible for auditing the centers and points of funding support.
4. It receives the decisions from al headquarters in an official manner. And submits its decisions to the general council.
5. From the monetary side; it is responsible for the logistics institute.

#### **Article 14:**

Koria

1. The Koria units are founded under the general council depending on the need, it is also the liaison between the general leaders and the branch leaders.
2. Every branch council creates a Koria unit specialized to it as a way of communication with other headquarters.

### **Section 5:**

#### **Article 15: Regulation in the YPG**

The military rule in the YPG functions based on 3 columns which are

1. Team: This is made of 3 to 5 people.
2. Crew: made of 2 teams.
3. Company (block): made of 3 crews.
4. Battalion: made of 3 companies
5. The provincial councils: it is simultaneously considered the leader of the brigades.

#### **Article 16:**

*YPG units*

1. The professional units are founded from within the paradigms of a democratic and balanced society and gender freedom with the goal of removing the barriers to freedom off the Kurdish people. These units are founded from two specifications in the YPG, volunteers within 24 hours having concluded training in politics, military and reason, having understood the protection of the project.
2. In times of peace and when the terms allow them to take leave for a week every month after receiving permission from the specific leadership for the professional units.

- Nationalists and defenders of the people
- Democrats and advocates
- Friends of intellect, heroes
- Ethical and practical, friends of action
- Understanding of methods, technical tactics
- Bound by the rules of instruction
- Friends of order developing the self by training the self.
- Given that they are friends of democratic ideology, balance, so they will reject the habits of society.
- They accept criticism and they are open to change

#### *The Units of Resistance*

1. They are founded from the cadres of the provinces and districts; they are founded as one or two to stand against the attacks of the colonial enemy. They are in a state of constant readiness.
2. The selection of members for the resistance is done with care and scrutiny of the people that are trusted
3. All cadres receive specialized training
4. These units are hidden, no one knows, even the members don't know each other
5. The members of these units are friends of order and manner of special work
6. In all conditions and qualifications protecting their ability to kill

#### *Local Units*

These are the people's protection at the core understanding the protection project from within the people with the goal of protecting equality, freedom and the work on the basis of orders and regulations.

The members of the local units: are the forces wars from within the people. They are present in all parts of the nation joint in the military efforts without being separate from the people.

1. Without being separate from civilian life and the society, nationalists and friends of the military forces and they do not have any supply returns and friends of certain thought
2. Serious high friends in work protecting the people's interests
3. They work in technical and tactical methods for war and killing through their training
4. They are specialized in understanding the essentials of protection and they moved based on political goals
5. Members of the local units do not belong to any order of social movement
6. They are not tied to any importance of other goal; they are tied to their goals as protection units.
7. And from within they follow their social life they work, they are responsible for their families and they do not mix in any way between their social life and military life. In this, they do not mix based on grounds of personal interests.
8. Within this, they apply their national work and join their full belief to their works as units and they are not permitted to leave their work in any way

## **Section 6:**

### **Internal Workings**

#### **1. The Method of Works and Orders:**

They work based on a centralized democracy, and it is meant to rule over information and orders and it looks like a democracy this means implementation after meetings and debates which take place in the presence of all members get suggestions if necessary.

#### **2. The Decisions:**

Around the work that is implemented from the bottom to the top and this is so that the leadership is aware. The members of the units implement the information after taking them directly and this is given to them in a report of the work of the leaders that gave the information. Each unit and each branch leader submits a report of their work orally and as text to the high council in a formerly fixed time period. On the condition that they meet and give the report ready to be decided upon. The branch institutions that do not provide a report are dismissed from work.

### **3. The Meeting:**

- All of our forces participate in meeting based on need
- In the military, the report is submitted daily and once every three days, they hold a meeting to discuss and evaluate them.
- The hidden teams and local teams take a weekly report and meet every 15 days to evaluate those reports and discuss them and propose them as reports to their superiors.
- The crews, every 15 days, the companies hold their meetings monthly and submits its report to their superiors
- All institutions and centers hold their meetings monthly and submits the reports to the high council

### **4. The System:**

Military operations need a much disciplined system and a system which covers all military orders which is linked to freedom, will and building a democracy. The system strengthens the work and actions of a unit, it brings with it victory. Victory may only be achieved through struggle, commitment to laws and fundamental system.

The rules that must be obeyed and worked upon

- They should work based on the secret and hidden laws
- Commitment to intellectual tasks
- No hesitation in the eyes of the enemy
- Not allowing grounds to bypass the principles of struggle
- Protecting the principles of the supplies (weapons and ammunition) that are given and used if need arises.
- Care in a social manner to work and paying attention to personal health
- Initiative and resistance against all difficult situations
- Development of action plans in advance and time management

### **5. Critique and Self-Criticism :**

Criticism and self-criticism are considered to be important for members to rid themselves of their personal faults and to commit to principles of freedom,

intellect and democracy. Every member of the YPG is responsible for self-criticism and criticism in official meetings. He should not use destructive criticism but instead constructive criticism.

**Article 18:**

*Mistakes and Sanctions*

Since the YPG is a military system, including in its ranks professional, resistance and local units, mistakes are considered a crime that must be punished. Mistakes and crimes are divided into two categories.

- Mistakes of war (war crimes) are considered grave mistakes
- Mistakes breaking the rules

War crimes are submitted to military courts, mistakes that break the rules will fall under regular investigation (platforms)

The mistakes that will be submitted to military courts:

- Acts that aid the enemy
- Betrayal of the principles of struggle
- Actions which hinder the preparation of democracy and the struggle of freedom. Acts that hinder the forces of freedom
- Obstructing the efforts of fighter during a military campaign on enemy targets
- Tasks and views that lead to committing grave mistakes.
- The use of cruel methods and violence for any reason other than protection
- Being the reason for the death of colleagues
- Breaking the rules with regard to the unit
- Disregarding the principles of struggle and the nation
- Breaking the rules of the unit and the nation

People that have been charged with such a crime shall be tried in a military court and all their military activities will cease based on a decision by the military court.

- Concealing issues from the leadership and disregarding work

- The appearance of personal activities during work, which are not pressing matters
- Standing in the way of unit activities
- Leaving the post without an official permission to resign
- Going outside of the decisions or rules or executing them late
- Failing to support colleagues and leaving them without control
- Probing into confidential material
- Detection and notification of third parties of activities.
- Failing to protect equipment that is supplied to members
- Giving false information to the high council
- Being late to inform the high council on matters
- Failing to complete tasks on time
- Accepting the annexation and expulsion of members without a proposal from the lower leadership to the superior one.

The mistakes that break the law will undergo a regular investigation and interrogation. This depends on the gravity of the crime (the discontinuation of the membership and ceasing all provisions etc.)

## Appendix III

### Asayish Rules and Regulations

*(Human Rights Watch translation)*

#### *Introduction*

Security, stability, and social and civil harmony have become the goals of all communities/societies because they are the principle factor for progress, civilization and prosperity in all the fields of life. The biggest responsibility falls on the shoulders of the judicial and security institutions at any time and place. These institutions set an ideal model to be lived by in terms of behavior and morals standards. They are also the face of any regime or administration and work according to an organized and disciplined internal system for the preservation of their reputation and form which in turn reflects their own administration and politics.

#### *Chapter 1 - Asayish Job and Motto*

Definition: the Security Forces for western Kurdistan are the civil forces that work within an all-encompassing organization which belongs to the Supreme Kurdish Committee.

Symbol: picture of an Eagle with a sun behind it on a blue floor and the name of the Asayish written in Red and around it olive branches in green

Goals: maintain public order and civil and social harmony according to its rules of procedure.

General Administration: Has one center and several other branches in every city or village according to the needs that are set by its rules of procedure.

#### *Chapter 2 - Responsibilities*

- Maintain public order and social and civil harmony and provide the necessary conditions for it.
- Maintain the civil institutions and protect public and private property

- Protect the heritage and the values of people of all components and maintain the security and safety of the holy places and relics
- Fight smuggling in all its forms
- Regulate the possession of weapons and ammunition in all its forms and issue decisions and reporting necessary for this matter
- Prevent the negative phenomena and public acts of indecent and immoral character
- Research and investigate cases of “caught in the act” and attach the necessary restrictions.
- Implement all decisions and judgments and reports and convictions and orders issued by the administrative and judicial institutions without hesitation or second thoughts
- Receive news and complaints and immediately intervene in accordance with the law
- Not permitted to arrest anyone or enter private and preserved places except with the permission of the necessary judicial authority- except in cases of “caught in the act”
- Organize and monitor the traffic inside and outside residential areas and make decision to organize people on foot

### *Chapter 3 - Duties*

- Have a high moral character and responsibility with the tasks entrusted to them because they are role models of community service
- Commit to the limits of their allocated powers and jurisdiction according to the rules of procedure; any breach would be overlooked by a legal authority
- Give training of paramount importance in terms of psychological and moral and cognitive skills
- Maintain fitness through daily exercise
- Deal with others wisely and without discrimination or favoritism
- Attend work regularly and with dedication
- Consider their job a humane and ethical community service

- Take care of external appearance and groom regularly -decent appearance and uniforms

#### *Chapter 4- Structure*

Each Asayish branch and centers for performing work

1. Office of Criminal Investigation and Monitoring
2. Social services office "police"
3. Office of Homeland Security and civil peace
4. Office of rehabilitation and training and media communication
5. Finance Office
6. Administrative Office
7. Legal Office
8. Office of Inspection and Control

#### *Chapter 5- Administrative Divisions*

Departments are distributed according to needs and in accordance with the regulations of the force, and according to the societal situation:

General Administration: It is the main headquarters of the Asayish forces; it has a center which defines the Asayish mission, supervises, coordinates, follows-up, and sets general plans for the Asayish's work in Western Kurdistan

The center manager: his mission is to generally oversee the center; coordinate between the offices and the administrative authorities and other civilian offices in the city or village; and represents these offices and administrative and civilian authorities in front of others.

#### *Chapter 6 - Prohibitions*

The following are forbidden for Asayish Forces:

- Disclose of information or clarifications or records of the investigation or any special instructions related to the Asayish or the elements of its center

- Accept for oneself or other family members a grant, or gift or privilege related to the job
- Behave in a manner in breach of the Job's integrity
- Keep private papers belonging to the center or branch in any place other than their allocated place
- Violate the sanctity of private homes and populated places or investigate or search a person without an order from the necessary judicial authority
- Keep a person in custody for more than 24 hours without a viable extension order from judicial authorities; the person arrested should not exceed a seven days custody period after which the detainee would be referred to the judiciary
- Discriminate against members of the community on the basis of ethnic, religious or sectarian associations
- Use of firearms while on duty, except in cases of legitimate defense and exceptional cases that are chosen by the system.

### *Chapter 7 -Terms of Affiliation and Membership*

Joining the Asayish is Voluntary and for the service of the community and people without any preconditions; whoever meets the following requirements has the right to join the Asayish:

Also, every citizen living in Western Kurdistan had the right to join the Asayish Forces irrespective of sex, race, or religion and within the following requirements:

- To be Syrian or resident of western Kurdistan for a period no less than 5 years
- To be 18 years old or older
- To have a clean criminal record and never have breached the honor and morals of society
- To be literate
- To show motivation and willingness to work in this organization
- To abide by the rules of procedure of the Asayish
- To be put the interest of the people and the community above all else
- To be come forth with a membership application with the necessary ID documentation

## *Chapter 8 - Loss of Membership and Penalties*

### **First - Administratively and Routinely**

Alert formally

Warn formally

Implement a disciplinary system for a period not exceeding three months

Transport to another center

Separation

### **Secondly - Judicially**

Gets fired from work if a final judicial decision was issued against him on the grounds of an outrageous offense or a moment of indecent public action

### **Work System of the Asayish**

- Must systematically identify and record all the work carried out by the Asayish forces in official records
- When a group finishes and delivers a task, it hands the next shift to another group that must register the names of its members on a regular basis
- Send all assets and seized items of the detainee to the necessary judicial authority
- Return personal belongings of detainees in the event of their release; items cannot be confiscated without a judicial order

### **Rules of Procedure for Investigation**

The functions of the Commission of Inquiry:

- Investigate with people who were arrested during a period that does not exceed 7 days in accordance with Article VI of Chapter VI; organizes a principled reaction to the incident; are entitled to let go of detainees in the event a misdemeanors or violation does not necessitate anymore a public case and is reconciled through a personal litigation; and criminal offenses are always passed over to the judiciary.

### **System of Investigation, Report, and Seized Items**

- When the committee concludes its investigation, the reports must be sent with the accused or the suspect to court;

- The suspect has the right to claim the presence of a lawyer during the period of investigation and report-making however without interfering in the investigation process;
- May not use moral and material pressure, violence, or coercion during the investigation and those to blame shall be punished according to the law;
- No one can visit the detainee or see him during the period of investigation but his/her lawyer;
- Crime-told stored and preserved and the details of the told are put down in the investigative report;
- The suspect's belonging are also stored and preserved in a private place along with a table of findings (seized items);
- During the investigation with a women suspect, female forces must be involved in the investigation;

### **Rules of Prisons**

A person is not born a criminal or a law breaching citizen. That goes back to the formative stages of his character and the community's role in education and upbringing. Therefore, the role of arrests and prison sentences that belong to the institutions pertaining to justice {public prosecution and the Committee of reconciliation and justice} must not be subject to the concept of punishment. The arrest is a precautionary measure rather than a punishment. Prison reform and rehabilitation institutions should be based on the principles of human rights as the following:

1. Physical or mental violence in all their forms against the prisoners and detainees are not permitted
2. Secure appropriate living conditions for all prisoners and to provide prison facilities with audio-visual and written media communication devices
3. the right to visit the prisoner is protected in a court of law
4. Prisoner can ask for a doctor or can be admitted into a hospital based on the experience of a specialized medical employee
5. Prison Management should spread awareness and give lectures on morality and values for prison inmates for their rehabilitation and straighten their behavior.

6. Prison management should distribution of prison inmates in rooms according to the type of offense.
7. The prison administration should separate between men and women in separate rooms
8. Prison Management should put minors in special centers specialized in rehabilitative education.
9. Oversee the role of women prisons and detention facilities with the Women's Committees that belong to the administration.
10. May not enter foods to prisons outside of prison facilities except in special cases.
11. Prisoners can do the physical exercises permitted by law.
12. Rooms must be ventilated and inmate needs to be taken out to the sun according to their needs.
13. Visit regulations: once a week from ( 10am-12pm ) or from (4pm-6pm ) ;special visits are allowed with the consent of the public prosecutor.
14. All human rights, humanitarian, and legal organizations ( local or international) can visit the prisons and see prisoners' conditions with the consent of the public prosecutor.
15. Prisoners have the right to give their opinion, protest and strike peacefully.

## Appendix IV

### Communications between Human Rights Watch and Asayieh

#### *Letter to Asayish from Human Rights Watch*

HUMAN  
RIGHTS  
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[www.hrw.org](http://www.hrw.org)

Mr. Ciwan Ibrahim  
Asayish spokesperson

27 January, 2014

Dear Mr. Ibrahim,

I am writing to request some information about the Asayish and human rights conditions in Syria. Your responses are greatly appreciated as we are preparing a report on this matter and wish to reflect accurately the positions of Asayish. If you can provide responses by January 31 we will endeavor to include your views in our published material.

1. Under what law is the Asayish operating?
2. Does the Asayish have an internal review mechanism to receive and investigate complaints of maltreatment or abuse by Asayish forces? Have any Asayish forces been disciplined or prosecuted for alleged abuse?
3. How many prisons does the Asayish run and where are they located? How many prisoners are being held at each of these facilities, and on what charges? Are these prisoners being held pre- or post-trial? Are family members, lawyers, and medical staff able to visit prisoners? Are Asayish-run prisons open for inspection from local and international human rights monitors?
4. Does the Asayish have any members under age 18? What steps does Asayish take to ensure that all members are above age 18? Have any members under 18 been removed from the force? If so, what is Asayish doing with these children? Has anyone been disciplined or prosecuted for recruiting children? If yes, how many people and what penalties have they received?

5. Is Asayish conducting an investigation into the June 24, 2013 violence in Amuda? If yes, in what stage is the investigation and who is in charge of it?
6. Is Asayish investigating the death of Ehmed Bonchaq on September 1, 2013? If yes, at what stage is the investigation and who is in charge?

Thank you very much for your attention. We are looking forward to receiving your feedback.

Sincerely,

Fred Abrahams  
Special Advisor  
Human Rights Watch

*Letter to Asayish from Human Rights Watch*

24 April, 2014

Mr. Ciwan Ibrahim  
Asayish spokesperson



[www.hrw.org](http://www.hrw.org)

Dear Mr. Ibrahim,

I am writing to request some additional information for Human Rights Watch's report on human rights conditions in Jazira, Ain al-`Arab and `Afrin. Your responses are greatly appreciated. We will endeavor to include responses received by May 5.

Sincerely,

Fred Abrahams  
Special Advisor  
Human Rights Watch

**Prisons**

Where does Asayish run prisons in Ain al-`Arab and `Afrin?

How many prisoners are currently in each of the detention facilities there?

Does Asayish have any unacknowledged or secret detention facilities in Ain al-`Arab, `Afrin or Jazira?

**Arrests of Opposition Party Members**

Please clarify the criminal charges against the individuals below. At what stage are their cases, i.e. under investigation, pre-trial, in trial?

1. Saed Isso: member of Kurdish democratic party in Jenderes
2. Siemend Brim: member of Kurdish Democratic Party
3. Jeiker Hemo: member of Kurdish Democratic Party

4. Biazid M`amo: member of Kurdish Democratic Party
5. Ahmad Sido Bin Othman: member of Azadi Party arrested in September 2013
6. Shekri Baker: member of Azadi Party arrested in September 2013
7. Haydar Shekri Bakr: member of Azadi Party arrested in September 2013
8. Joan Qlander Bin Mnan member of Azadi Party arrested in August 2013
9. Rassoul Ismael Khalil: arrested from Efrin in August 2013
10. The lawyer Idriss A'loush: arrested from Efrin on November 11 2013

### **Abuse in Detention**

Have any Asayish members been punished over the past two years for having used illegal force against a person in custody?

If yes, how many Asayish members have been punished, and what was the punishment?

### **Death of Rashwan Atash**

Why was Atash arrest? When was Reshwan arrested and from where?

When and how did Atash die?

Has the Asayish held any of its members responsible for Atash's death?

If yes, who is the responsible person and what is the status of his case?

### **Case of Bahzed Dorsen**

Is Asayish currently investigating the case?

If so, what is the status of the investigation?

### **Case of Ahmed Bonchaq**

Is Asayish currently investigating the case?

If so, what is the status of the investigation?

### **Case of Amir Hamid**

Is Asayish currently investigating the case?

If so, what is the status of the investigation?

*Asayish Response to Human Rights Watch*  
(Human Rights Watch translation)

May 4, 2014

Mr. Fred Abrahams, HRW Special Advisor

In response to your letter of April 24, 2014, with requests for information, by way of questions posed by your organization, please find here my answers, with our deepest appreciation.

Commander General of Asayish Rojava,  
Jawwan Ibrahim

**Prisons:**

You probably realize that, being confronted with the task of building our system in an adverse security and economic situation, and in the face of terrorist activity, we have some old buildings that we took over from the Syrian Ba'ath regime, which we have to use for our purposes. Plans were made to construct new facilities that conform to international human rights standards, and they should be ready during the coming months. As for the Afrin prison, the building lies within the People's Court former governmental complex, and the address is known to all Afrin residents. It is currently being used pending the completion of the new reformatory. The Ain Al-Arab prison lies in the center of the Muqata'a, near to the Asayish center, and is also known to the locals. It's a former-government structure that was used after the liberation of the city of Ain Al-Arab.

The number of prisoners at Ain Al-Arab is 83, convicted of various crimes, and 130 at Afrin. These numbers are subject to daily variation as a result of arrests and releases.

The Asayish Rojava forces have no secret prisons in any of the three Muqata'as, and our prisons are open to organizations, the government and public prosecution.

**The arrest of some opposition party members:**

I would like to confirm, right from the beginning, that we do not detain a single political prisoner. All detainees are charged with criminal or terrorism-related charges. It happens

frequently that people get arrested on criminal or terrorism charges, and turn out later to be members or affiliates of a political party. But we prosecute crime and terrorism only, and political affiliation does not concern us in the least. Accordingly I have to clarify that:

**1. Siyamend Barim**

**2. Mohammad Saeed Issa**

were tried before the people's court in Afrin, case 370/1, verdict 182/2014.

Siyamend was charged with the commission of politically-motivated terrorist acts (blowing up the Free Media Academy in Afrin), and Issa was charged as an accessory and aide to Siyamend.

- **Jikar Hammu** is on trial in Afrin.
- **Bayazid Mamo** was tried before the people's court in Afrin, case 370/1, verdict 182/2014, on the charge of committing politically-motivated terrorist acts, viz. the explosions at the Free Media Academy in Afrin in 2013.

With regard to:

- **Ahmad Sidu**
- **Shukry Bakr**
- **Haydar Shukry Bakr**
- **Jawwan Qalander**

they are not detained by Asayish Rojava forces in any of its three Muqat'as, and we know nothing about them. Their status is not known to us, and whatever information you received about their arrest by Asayish is obviously inaccurate.

**Rasul Ismail Khalil** was tried before the people's court in Afrin, case 370/2, verdict 183/2014, on charges of terrorist activity, through the bombing of a car carrying Attuf Abdu in order to assassinate him in 2013. The assassination attempt met with failure.

The lawyer Idriss A'loush is not detained by Asayish Rojava forces in any of its three Muqata'as, and we know nothing about him. His status is not known to us, and whatever information you received about his arrest by Asayish is obviously inaccurate.

**Mistreatment in detention:**

Yes, 5 members of Asayish Rojava forces have been disciplined for mistreatment of detainees, and three others were disciplined for mistreatment of citizens. The punishments ranged from 4 to 6 months of imprisonment, and all were dismissed from the force.

**The killing of Rashwan Atash**

On February 17, 2014, a verbal disagreement escalated to a physical confrontation between Rashwan and one Yusuf Ernah, in the city of Ras Al-Ain (Serê Kaniyê), when the former and his father demanded a sum of money from the latter. Asayish learnt of the incident and sent a patrol to the home of Hajj Atash, father of Rashwan. He verbally abused members of the patrol, and drew a Kalashnikov on them. Some of his relatives wielded military handguns, and were subsequently arrested, including the victim Rashwan.

Rashwan died on February 18, 2014, hours after his arrest, due to a beating by an Asayish administrative member in Ras Al-Ain, in response to provocation by Rashwan. The cause of Rashwan's death was cardiac arrest, caused by the beating of the Asayish administrative member (B.).

Both Asayish and the court held the administrative member responsible for the death, and he was found guilty of murder of the first degree. The general command ordered the arrest of the administrative member B., and his suspension from the force so that he may be tried in court. He was tried and sentenced to life imprisonment with hard labor. The trial is still ongoing. It should be noted that this Asayish administrative member B. is the convict Bauer, who is known to the Attash family members who attended the trial, and also known to Ras Al-Ain residents in general.

All members of the Asayish Serê Kaniyê force who witnessed the beating of Rashwan, leading to the loss of his life, were dismissed from service.

**The case of Bahzed Dorsen**

On October 24, 2012, according to information we obtained from friends and family of Mr. Bahzed Dorsen, the party official in the Derik area, Mr. Dorsen left his home with a certain Talal who smuggles guns from Iraq, and never came back. Search for the missing person continued in the countryside of the Malikiyah area by Asayish patrols for 12 days, with no

success. (You may verify this from news archives, as the Syrian Ba'ath regime was in control of Malikiyah at the time of Mr. Dorsen's disappearance, and all security agencies of the Assad regime were operative in the area at the time).

#### **The case of Ahmed Bonchaq**

He is not with the Asayish forces and we do not know him nor have any information about him.

#### **The case of Amir Hamid**

The period during which Mr. Hamid disappeared, in the area of Derbassiyah 3, had witnessed several incidents of kidnapping and robbery, as well as a case of kidnapping in the south of Qahtaneyah. People in Mr. Hamid's circle confirmed that he disappeared at a time when he was seen with smugglers trying to enter Turkey from Syria.

We conducted an investigation and arrested the smuggler who was supposed to take Mr. Hamid into Turkey, but solid evidence was lacking. We could only establish that a civilian car carrying 4 civilians had abducted Mr. Hamid, leaving the smuggler and the Arab girl. This was confirmed by the statements of the Kurdish smuggler during the investigation. He also affirmed that he could not identify the kidnappers.

## Appendix V

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### Communication between Human Rights Watch and YPG

*Human Rights Watch Letter to YPG*

[www.hrw.org](http://www.hrw.org)

Mr. RÊDÛR XELÎL

Spokesperson of the People's Protection Unit

Rojava

21 January 2014

Dear Mr. XELÎL,

I am writing to request some information about the People's Protection Units (in Kurdish, Yekîneyên Parastina Gel or YPG) and human rights conditions in Syria. Your responses are greatly appreciated as we are preparing a report on this matter and wish to accurately reflect the positions of YPG. If you can provide responses by January 28 we will endeavor to include your views in our public material.

1. Kidnappings by Extremist Groups: Please provide an update on the number of individuals abducted by the Islamic State of Iraq and al-Sham - and other extremist opposition groups from the areas under YPG control. Do you know how many people are being detained, by whom and where?
2. Prisons run by YPG: Please provide information about prisons run by YPG, particularly in which towns these prisons are located and whether they are open for inspection by independent monitoring groups, such as the International Committee of the Red Cross? How many prisoners are you holding, and on what charges? How many of these prisoners have already been tried? Who holds and is responsible for lists of prisoners? Have all prisoners been brought before a judge? Are family members, legal representatives, and medical staff able to visit prisoners?
3. Child Soldiers: Please clarify the YPG order of December 14, 2013, which prohibits the recruitment or enlistment of children under age 18 (as reflected in Article 5.2 of YPG Internal Regulations). What procedures does the YPG take to prevent children

from enlisting? How many children have been demobilized since the order? What is YPG doing with these children? Has the YPG made all its forces aware of this order and the general prohibition on child soldiers? Has anyone been disciplined or prosecuted for recruiting children? If yes, how many people and what penalties have they received? Does the YPG order apply to forces of Asayish?

4. Investigation into Amouda violence: Please update us on any investigations into the June 27, 2013 violence in Amouda, in which two protesters and one YPG member were reportedly killed, and who has carried them out. Have any YPG members been investigated or held to account? After the December agreement in Erbil, has a committee been established to investigate this incident?

Thank you very much for your attention. We are looking forward to receiving your feedback.

Sincerely,

Fred Abrahams  
Special Advisor  
Human Rights Watch

*YPG Response to Human Rights Watch*  
*(Human Rights Watch translation)*

23 January 2013

Mr. Fred Abrahams, Special Advisor at Human Rights Watch

Mr. Abrahams,

We highly appreciate your efforts and your message so that we can clarify some issues which we consider to be very sensitive and important with regard to what our society in Syria and Western Kurdistan (Rojava) is going through –a phase of grave sensitivity that is facing terrorist ‘takfiri’ assaults so distant from our culture and education. It is an education that carries a message of peace, security and co-existence amidst a democratic regime that preserves a person’s dignity and right to life and freedom of speech.

We would be very glad if you could come to our region and investigate the allegations that your respectable organization receives so that you’d see the truth as it is on the ground with regard to your inquiries; so you could form a clear and true vision to add to your report.

Respectable Mr. Abrahams,

There are several misconceptions concerning the manner by which the role of the YPG is defined in liberated areas where it liberated from regime forces or terrorist and ‘takfiri’ fighters. This faulty definition is nothing but a type of hostile propaganda against our units as well as a distortion to the real principle role of the YPG.

The YPG is an organized militaristic power whose goal is to protect the Kurdish areas with all of its Kurd, Arab, Assyrian, and Ashouri etc... components. Therefore, it does not interfere in social affairs or internal politics seeing as its principle task is to defend, protect, and face foreign threats and dangers. We try as much as possible to maintain a distance between the YPG strongholds and posts and city centers. The strongholds are stationed in the countryside and peripheries so as not to budge with internal affairs; the Asayish (security) - and not the YPG - deal with internal affairs known as Asayish Forces

Rojava, which is an internal security force that bears no connection whatsoever to the YPG except with political matters. The Asayish refer to the YPG in political matters through the Supreme Kurdish Committee.

With regard to your inquiries, it is imperative we make clear the following:

1. Concerning the issue of abductees by terrorist groups: we, the YPG, do not have statistical information seeing as the Asayish in Rojava are the correct reference to this matter.
2. The YPG does not have or manage detention centers/prisons across the region in any way or form and dealing with prisoners and detainees is a matter that concerns the Asayish (internal security) and the judiciary.
3. Concerning the issue of child soldiers (under the age of 18 years) within YPG units: we are serious in our judiciary over this individual phenomenon despite the presence of a separate article within the rules of conduct of the internal system of our units that legislates that the 'age of association' is necessarily equal or above the legal age of 18. Also, we have released a general statement to all of our units on December 14<sup>th</sup> 2013 to refuse anyone into the YPG who is not of legal age. Indeed, we undertook a number of practical procedures to face this phenomenon; 17 members, that have not attained the legal age, were disqualified from YPG military operations and were sent to service-based institutions such as the media, or educational and political training centers. And we have conducted serious negotiations with Geneva Call and soon we are going to sign a treaty prohibiting the recruitment of individuals who are under the legal age.
4. Concerning the events in Amuda on 27 June/July 2013: truthfully, it was such a shame that the event was exaggerated in the media (as opposed to the truth of it) and was politically used for other purposes. Our units were on its way back from a military operation on the outskirts of Al Hasakeh city, 80 km south of Amuda, without any information that there was a civil protest or strike in the city. While the military convoy was passing through Amuda as usual, it was shot at by someone within the protestors and a YPG fighter instantly died. A predicable reaction, the YPG traced and shot at the source of fire and the result was the death and injury of some civilians. An internal investigation was opened on behalf of the YPG's general command for this case particularly. The attacks with light and middle firearms and

the shooting from within the protestors are documented through video and you can take a look at that. Despite all that, we found it inappropriate to use this force in this reckless manner.

5. As for the Erbil Agreement in December, it does not demand the formation of an investigative committee to look into the events, but demands the formation of a committee or judicial organization that encompasses the National Kurdish Council in Syria and the Civil Council in Western Kurdistan to look into these events in the future; in this manner, neither side would throw blame at the other and this organization would be the mediator between both.
6. We advise you to communicate with the Asayish forces in Rojava to inquire about the issues that fall under its jurisdiction, as we do not have the right to speak on its behalf.

With all the appreciation and respect,

Redur Xelil

Official spokesperson for the YPG

## Acknowledgements

This report was researched and written by Fred Abrahams, special advisor at Human Rights Watch, and Lama Fakih, Syria and Lebanon researcher at Human Rights Watch, with extensive research conducted by research assistant Diana Semaan.

The report was edited by Nadim Houry, deputy director in the Middle East and North Africa program and Tom Porteous, deputy program director. Senior legal advisor Clive Baldwin provided legal review. Priyanka Motaparthy, researcher in the children's rights division, reviewed the chapter on children in security forces.

Middle East and North Africa division associates Sandy Elkhoury, Jillian Slutzker, and Diana Semaan provided production assistance. Grace Choi, publications director; Kathy Mills, publications specialist; and Fitzroy Hepkins, administrative manager, prepared the report for publication. Freelance video journalist Mani produced all footage for the multimedia accompanying the report.

Human Rights Watch sincerely thanks all the individuals who shared their knowledge and experiences to make this report possible, sometimes at personal risk.

# UNDER KURDISH RULE

## Abuses in PYD-Run Enclaves of Syria

Based on research in Syria and northern Iraq, *Under Kurdish Rule: Abuses in PYD-Run Enclaves of Syria* documents human rights abuses in the three predominantly Kurdish areas in northern Syria that are controlled since 2012 by the Kurdish Democratic Union Party (PYD). In January 2014, the PYD and allied parties established an interim administration in these areas.

While conditions are better there than in other war-torn parts of Syria, the PYD-run authorities have arbitrarily arrested political opponents, denied defendants the right to a fair trial, and physically abused detainees, leading to death in two recent cases. PYD-run security forces have also used children under 18 for military purposes.

As the de facto authority in these regions, the PYD is obliged under international human rights law to grant the people in the areas it controls – Kurds, Arabs, Syrians, and others – their fundamental rights.



*Screenshot from footage shows prisoners sitting in their cell in Malkiyah (Dêrik) prison in February 2014.*

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